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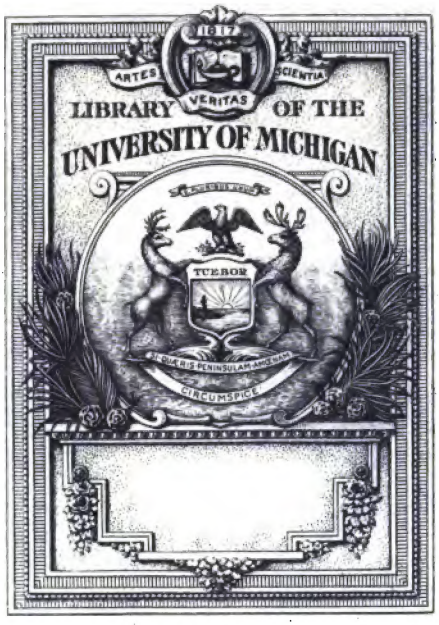

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ELIZABETH LEWIS

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RECORDS OF THE CAPE COLONY.

Cape of Good Hope

RECORDS

OF THE

CAPE COLONY

From JUNE to OCTOBER 1824.

COPIED FOR THE CAPE GOVERNMENT, FROM THE MANUSCRIPT DOCUMENTS IN THE PUBLIC RECORD OFFICE, LONDON,

BY

GEORGE McCALL THEAL, D.Lit., LL.D.,

COLONIAL HISTORIOGRAPHER.

VOL. XVIII.

PRINTED FOR

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[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has become necessary to provide a Remedy for the Abuses to which it appears that the Exercise of the Art of Printing, in this Colony, has been found liable, and to fix the responsibility of those who, in future, shall be concerned therein :—I have thought proper to order and direct, as I do order and direct, by these Presents :—

That henceforth, every Person who shall Print any Book or Paper whatever, without the least exception, which shall be meant or intended to be published, promulgated, or dispersed, whether the same shall be sold or given away, shall print upon the Front of every such Paper, if the same shall be printed on one side only ; and upon the first and last Leaves of every Paper or Book which shall consist of more than one Leaf, in legible characters, his or her Name, together with the Place, Street, Square, and Number of his or her Dwelling House, or Place of Abode ;—on pain, that every Person who shall omit so to print his Name and Place of Abode, or in every such Paper or Book printed by him or her, and also, every Person who shall publish, promulgate, or disperse, or assist in publishing, promulgating, or dispersing, either gratis, or for Money, any printed Paper or Book, on which the Name and Place of Abode of the Person printing the same, shall not be printed as aforesaid, shall for every Copy of such Book or Paper so published, promulgated, or dispersed by him, forfeit and pay a Sum not exceeding Two Hundred Rixdollars ;—and, in case the Contents of such Book or Paper be of a Criminal nature, shall moreover remain liable to such other Punishment as the Colonial Law has, or shall have, prescribed.

And that no Person may plead Ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 11th Day of June, 1824.

(Signed) C. H. SOMERSET.

RECORDS OF THE CAPE COLONY.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 23*rd June* 1824.

MY LORD,—It is with deep concern that I learn by Your Lordship's Despatch of the 19th January last that I so imperfectly explained to Your Lordship the important advantages of effecting a Pass over the Fransche Hoek Mountain, and the reasons which prompted me to enter upon it without having previously obtained Your Lordship's sanction thereto. But upon my attention being called by Your Lordship's present communication to my Despatch to Your Lordship (No. 51) I regret to state that I omitted to state some of the leading Motives for having been induced to commit a Breach of my Instructions. These were the assistance that, by entering upon the Work immediately, I could derive from two Companies of the Royal African Corps, and the great Saving of Expense in thereby being enabled to employ Military Labourers in lieu of Civilians.

These Companies were assembled here for Embarkation to Sierra Leone, and being without appointments or proper clothing for Military Service, were rendered inapplicable to duty with Arms, without incurring a very unwarrantable Expense, and the giving them constant employment in order to deter them from committing depredations was extremely necessary.

The Commanding Engineer also held out to me an expectation that the Work would be nearly, if not quite, completed before means for removing these Companies were expected to

arrive, and I was further tempted to proceed in the undertaking from the conviction I had it would meet with Your Lordship's highest Approbation, when you should be aware that it would ensure such very important Advantages to the Colony at large, and that the Tolls upon it would afford a very large interest upon the Capital expended.

It is not in my power, within the Limits of a Despatch, to explain to your Lordship the incalculable advantages that the completion of this grand work will afford to the Colony, it opens immediately on the other side upon a very extensive Tract of the best watered Country in this Colony, the whole of which has been hitherto entirely cut off from any communication with the Capital except by so circuitous a Route as to multiply the distance fourfold; and by continuing the measure over the Kogman's Kloof (a very trifling Work) the Journey from Cape Town to Uitenhage will be shortened to less than 500 Miles, and will be effected without the necessity of dragging a Wheel, whereas at present the distance is upwards of Six hundred Miles, exclusive of being obliged to pass three tremendous Kloofs inaccessible to every Carriage but the strongest species of Waggon.

The Work itself is a gratifying Instance of the Triumph of Art over nature, and has no parallel out of Europe, and is indeed to be considered with the Simplon itself.

In a Country such as this, where the forming of a Canal is impracticable, the opening a direct and easy communication with the most fertile, the most distant, and the most populous parts of the Colony is an object of serious Import, and the accomplishment of it would be cheaply purchased at almost any price.

The Officer who has the merit of having laid out the Road and given the design (Major Holloway R.E.) is at this moment in England on account of impaired health. I write to him by this opportunity, requesting him to wait on Your Lordship, and I trust Your Lordship will honor him with an Audience, and afford him an opportunity of explaining to you fully the utility and splendour of this undertaking. The expense has been greater than Major Holloway led me to expect, when I had the honor of addressing Your Lordship on the subject, in consequence of there being more of Rock to cut thro' than

was at first apprehended from the appearance of the different parts of the Mountain, and also from the Military Workmen having sailed for Sierra Leone earlier than was contemplated, as is fully detailed in Lieut. Mudge's Report and Estimate, which I have the honor to annex; but whenever the Work is viewed, one of the principal causes for wonder is the smallness of the Expence by which it has been accomplished.

I feel confident that Your Lordship will cordially sanction this undertaking after you shall have seen Major Holloway, and I trust Your Lordship will authorise the continuance of it over the Kogman's Kloof, and will afterwards sanction the completion of a Road over the Sandy Flat from the Eerst River, where the Road thro' Stellenbosch from the Fransche Hoek would unite with that from Hottentots Holland, to the Capital. The effecting of these will render the Work complete, can be achieved without difficulty (the substrata of the Flat furnishing a fine material) and will cause only a very gradual expense and in a pecuniary point of view alone will certainly return an interest of 12 per cent on the Capital laid out, and, when accomplished, will give a feature so entirely new to the Colony, that the advantages to be derived from them are beyond calculation and certainly beyond my description.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

ROYAL ENGINEER'S OFFICE,
CAPE OF GOOD HOPE, 18*th June* 1824.

SIR,—I have the honor to request you will be pleased to lay before His Excellency the Commander of the Forces the enclosed Estimate and Report on the French Hoek Kloof, agreeable to the directions of His Excellency. I have &c.

(Signed) J. MUDGE, Lt. Roy. Eng.

To Captain Fitzroy, Military Secretary.

[Enclosure 2 in the above.]

ROYAL ENGINEER'S OFFICE,
CAPE TOWN, 18*th June* 1824.

MY LORD,—In obedience to Your Excellency's commands I proceeded on the 24th Ultimo to inspect the Road carrying on over the Fransche Hoek Mountains, and in compliance with Your Lordship's wishes having made a minute Survey of the undertaking do myself the honor of submitting for your Lordship's information an abstract of the Expenditure on this important work up to the 24th May together with the probable estimate of the sum it will take to make a final completion of the whole line, which tho' it may appear a larger proportion both of additional time and expense than your Lordship might have reasonably anticipated, yet however it has been framed agreeable to the obstacles and the unforeseen difficulties that have and still continue to impede the progress of the workmen, an event as much to be lamented as unlooked for at the commencement of the undertaking.

Having thus laid before your Lordship the estimates as requested, I beg leave to subjoin the following observations in explanation why the original Estimate has been so much exceeded, together with some further remarks which I think it my duty to subjoin for your Lordship's fullest information.

1st. Having directed my particular attention to the work that has been completed I have no hesitation in stating that the expense that has been already incurred bears but a just proportion to the persevering Industry and zealous exertions of both Officers and Men employed, particularly in tasking and portioning out the work in the most judicious and satisfactory manner.

2nd. Your Lordship on this head will be pleased to observe that when the line of Road was originally traced by Major Holloway in conjunction with Mr. Hertzog, that from the favorable appearance of the ground no serious obstacle at the time was to be apprehended, but that after the line was generally broken through and the road commenced, that in the place of finding an Earthy Soil which was to be expected, the ground presents a loose layer of Earth and Stones for a few feet down and then a substratum of Rock in connected and

unconnected masses, and that in consequence instead of the Road being made by an excavation from the side of the mountain it becomes necessary to form a Road on the line of the Hill by a Revetment wall in many places from 18 to 25 feet in height (owing to the extreme steep angle of the face of the Hill itself) and to employ a large body of Miners to blast and remove the Rocks. This work has been continued in many parts for some hundred yards in length and is one of the principal and main causes for the expense so much exceeding the original Estimate. And I must here beg to observe had the Soil turned out of that favourable nature which was to have been anticipated (from the observations I have had an opportunity of making) the Road would have been completed for at least one half of the sum that it is now likely to cost.

Added to these circumstances it will always happen that Slips or other accidents are liable more or less to occur, but whatever precaution be taken in such an extensive undertaking, by the heavy Rains (particularly of last Winter) penetrating the surface and by causing underground Springs thereby swelling the internal materials and causing them to throw out the exterior wall, this has been the case in one or two instances, and of course added to the increase of expense.

To give Your Lordship a further Idea of the Impediments that have so materially tended to impede the progress of the work I think it my duty to remark that the actual length of the line in progress exceeds Six Miles, and that out of that distance not more than two miles is of that favorable nature as to admit of the Road being excavated in the manner before alluded to, the remainder of the line being formed of Revetment walls, blasting and removing Immense Masses of Rocks, whereas so sanguine was the Surveyor of the speedy completion that from 4 to 6 Miners were thought sufficient to remove all difficulties, instead of which there have been employed upon an average from 20 to 30 Miners for the last Nine Months.

Had this work been to be executed by Civilian Labourers as was I am informed the original intention the amount would at least have been doubled, as the lowest rate of Labourer's Pay is 1½ Rds. per day exclusive of Rations, whereas the daily rate of Pay allowed to Military Labourers bears but a small proportion to the above, the Rations being considered as

forming no part of the Increase of Expense to the Colonial Government.

To render the work however as complete as the general undertaking promises over the Fransche Hoek Kloof it will be necessary that a permanent Bridge be thrown across the River beyond the Toll House, as this River is often impassable for many days to the Foot Passengers as well as Waggons and at those times not less than from 8 to 10 feet of water, and it therefore is absolutely necessary, as well as to render the whole a complete and creditable work of Skill and Science. (The cost of which as your Lordship will perceive has been included in the Estimate for finishing this work.)

As to the Fransche Hoek Kloof presenting the best point of opening into the Interior in preference to the passes of either Hottentots Holland or Du Toit's Kloof (the former to the S.W. and the latter to the N.E. of the said pass) in a topographical point of view there can be but little doubt, as it may be considered as a Central point between these passes, and thereby a medium distance to the relative Districts and Farms lying within communication with either.

The Height or ascent to be got over is less at Fransche Hoek than Hottentots Holland, and the distance less; and as to Du Toit's Kloof the line of Road and difficulties to be contended with was estimated to be 3 times as great as at Fransche Hoek. To these considerations was added the important one that after passing the ascent of the Fransche Hoek, with but one other small exception the country is a perfect flat, and that it became in fact the point of debouch to the several Districts of Swellendam, Graaff Reinet, Graham's Town, and particularly to the District of Worcester.

Having thus submitted for your Lordship's consideration the several points that occurred to me both in extenuation of the undertaking so much exceeding the expense as well as time, together with some other observations which I trust your Lordship will not consider as Irrelevant to the duties of my profession, I cannot conclude without remarking that when it is considered the nature of the difficulties these several passes have at all times presented to the Farmers and others in transporting their produce to the Cape Market and the very many others that have been deterred by these Impediments,

it can be but reasonable to calculate that when the advantages are fully substantiated in having the facilities of access to Cape Town opened to them by a good and easy communication, that it will very generally benefit both the Settlers and Government, and that after the lapse of one or two years I trust your Lordship will have the satisfaction of seeing the thing fully verified.

One point has escaped my observation which I beg leave to add, viz. that the Officers' Huts and Barracks erected on Government ground for the accommodation of the working party I am informed will at all times meet with a ready sale provided a few morgens of Land be disposed of with them, and it is probable would realize a considerable sum.

I have &c.

(Signed) J. MUDGE, Lieut. Royal Engineers.

[Enclosure 3 in the above.]

ROYAL ENGINEER'S OFFICE,
CAPE OF GOOD HOPE, 18*th June* 1824.

Statement of the expenses incurred in forming a Road over the Fransche Hoek Kloof from its commencement to the 24th May 1824 Inclusive :—

	Rds.	sks.	sts.
Military Artificers, &c., from 23rd September 1822 to 24th May 1824	31,336	0	5
Civil Artificers, &c., from 4th February 1823 to 24th May 1824	11,521	7	2
Materials and Transport	13,725	7	4
Total	56,583	7	5

Equivalent at the present rate of exchange of Rds. 14 6 1 to £1 Sterling to £3,830 15*s.* 9*d.* Sterling.

(Signed) J. MUDGE, Lieut. Royal Eng.

From this is to be deducted the value of Huts and Accommodations erected for the Soldiers, Workmen and Officers which when the Road shall be finished will probably fetch from 10,000 to 20,000 Dollars with a small portion of (hitherto useless) Land attach'd to the different Lots.

(Signed) C. H. SOMERSET.

[Enclosure 4 in the above.]

ROYAL ENGINEER'S OFFICE,
CAPE OF GOOD HOPE, 18*th June* 1824.

Estimate of the probable expense to be incurred for completing the Road now in progress over the French Hoek *Kloof* from 25th May to 31st December 1824 Rds. 35,333, equivalent to £2392 1*s.* 6*d.* Sterling.

(Signed) J. MUDGE, Lieut. Royal Eng.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 23*rd June* 1824.

MY LORD,—Having referred Your Lordship's Despatch of the 10th December last to the Officer commanding the Cape Corps, I have now the Honor to transmit to Your Lordship a Copy of that Officer's Reply, relative to the disposal of the Balances which may have been due to Soldiers of the Cape Corps at the time of their demise; which I trust will prove satisfactory. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

GRAHAM'S TOWN, *May* 11*th* 1824.

SIR,—In reply to your letter I have the honor to inform you that the balances which may have been due to men of the Cape Corps at the time of their demise, are at all times paid into the hands of their Wives, or their Parents, except in cases where the men direct or nominate their balances to be paid to particular Individuals.

In cases where their parents reside at a distance the Balances are forwarded to them, through the Magistrate of the district or through the Head of the Institution at which they reside

but I have seldom known an instance in which the Soldier has not nominated the person to whom his property was to be made over. I have &c.

(Signed) HENRY SOMERSET, Major Cape Cavalry.

To Captain C. A. Fitzroy, Military Secretary, Cape Town.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *24th June* 1824.

MY LORD,—My Under Secretary of State having received from a Mr. Edwards a letter covering three packets of printed papers, addressed to certain persons in this Country, I have to desire that your Lordship will intimate to Mr. Edwards that as the Channels of His Majesty's Post Office are open to him in common with any other person, for the transmission of his Correspondence to this Country, I cannot encourage him to expect that he will be allowed in future to send his communications through my Office. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *25th June* 1824.

MY LORD,—I transmit herewith for your Lordship's Consideration a copy of an application which has been addressed to me by the Proprietor and Conductor of the *South African Commercial Advertiser*, soliciting that that journal may be placed, as regards postage, on a footing with the *Cape Gazette*.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* R. WILMOT HORTON, ESQRE.

CAPE OF GOOD HOPE, *June 25th* 1824.

SIR,—I have been honored with your Letter of the 30th January last, enclosing a Memorandum from Baron Fagel relative to Ockert Christian Mostert, who was banished from this Colony for Twenty-five years and went to Batavia accordingly. I beg to assure you that it will at all times afford me great satisfaction to be enabled to meet the wishes of the Baron Fagel. In the present instance I am concerned to say that an account has been received here of the death of O. C. Mostert at Batavia in the end of December last. The case I fear was a bad one, and was aggravated in some measure by the Deceased being a Female; and it was I understand considered fortunate for the Man that capital punishment was not awarded. He was a young man of very excellent previous character, and his family and connections are most respectable, and in consideration of their respectability I released him from prison, upon their security, until opportunity offered for his going with his Family to Batavia, by which his confinement altogether amounted to only four months and seven days, in lieu of nine months as represented.

I have reason to believe also that the loss upon the sale of his property has been greatly overstated. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *26th June* 1824.

MY LORD,—I transmit to your Lordship a copy of a letter from the Reverend Mr. McCleland, the Clergyman of Clanwilliam, which has been put into my hands by the Bishop of Waterford, and I have to recommend that your Lordship will

consider whether you may not have it in your power to make some arrangement for improving Mr. McCleland's situation by affording him the accommodation of a house, or any other advantage which may not add to the expence of the Ecclesiastical Establishment of your Government. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 27*th June* 1824.

MY LORD,—With reference to the letter which I addressed to Your Lordship on the 27th of March last, I have the honor to acquaint you that the Reverend Colin Fraser has recently arrived from Holland and having satisfied me that he has attained a sufficient knowledge of the Dutch language to qualify him to conduct the religious services of a Dutch Congregation, I have directed that the Sum of Seventy Pounds should be advanced to him for the purpose of enabling him to proceed to the Cape of Good Hope; and I have to desire that your Lordship will take the earliest opportunity of appointing that Gentleman to some vacant Ministry. I have &c.

(Signed) BATHURST.

10 Sept. Mr. Fraser has received an additional Sum of Thirty Pounds which Your Lordship will cause to be deducted from that Gentleman's Salary.

B.

[Copy.]

Letter from LIEUTENANT COLONEL BIRD *to the* COMMISSIONERS OF ENQUIRY.

LIESBEEK COTTAGE, 27*th June* 1824.

GENTLEMEN,—I beg to acknowledge the receipt of your Letter of the 18th Instant transmitting to me a statement of charges against me that are contained in two affidavits made

by Mr. Wm. Parker, and in a Memorial addressed to Earl Bathurst, to the truth of which he (Mr. Parker) has declared on Oath.

I shall proceed to reply to these charges with that respect which is due to any subject which has attracted the attention of His Majesty's Secretary of State, although, I might perhaps have expected, that where the rancour and malevolence of the accuser are so glaring as in the charges brought forward, most of which are quite irrelevant to Mr. Parker's case, I say, I might perhaps under such circumstances, have expected that in the 19th century the Secretary of State of the most enlightened Nation in Europe would have treated all the matter not relevant to this case, or which relates to the Creed I am supposed to profess, with the contempt it so unquestionably deserves. I might also perhaps have expected that the ample explanations which have been already given on the whole of Mr. Parker's case might have exempted me from the painful task of defending the only thing left me, my character, from the foul and well known false aspersions of the most malignant calumniator who ever perjured himself to attain the object of his revenge.

Gentlemen, let me ask you Individually or collectively, is it possible that any one could with a feasibility of truth have sworn to the accuracy of the extraordinary charges which you have transmitted to me, charges some of which relate to opinion, and some to the private affairs of my family, which can be known only to myself? And yet these charges, which during a lapse of some years have been allowed to work and fasten upon the minds of Individuals personally hostile to me, and to be used as a pretext for effecting my ruin and that of my family, are now, tauntingly as it were transmitted to me, in order that when it is too late to be useful to my ruined fortunes I may repel them.

Gentlemen, if after having been stung, and goaded, and persecuted for near three years, if after finding myself finally ruined, inextricably ruined, I express myself with warmth, I trust you will not attribute that warmth to any disrespectful feeling towards you or towards the enlightened and benevolent statesman who has directed you to call upon me to refute these charges, but to the knowledge I have of the artifices and

misrepresentations by which I have been calumniated and broken down.

If dissension has prevailed in this Society and amongst the Civil Servants of this place, is not that dissension traceable to the disposition of Him who has persecuted every one who did the duty of his station with alacrity during the temporary Government of Sir Rufane Donkin, with whom he had thought fit to disagree, as he had previously disagreed with every Officer of Rank or character who had been in this Colony ? And as I from the station I filled was nearest to that General, is it not matter of notoriety that the vengeance fell chiefly on me ? Will his confidential friend pretend to deny that when I sought explanation of the cause of the alienation of the Governor he told me that my intimacy with Sir Rufane Donkin and the visits I paid him in the Castle were the cause of it ? If he do, I will affirm on oath that he did so inform me.

This then having been the real cause, Mr. Parker's case, with which only we have now to do, was made the pretext and handle for my persecution and oppression, and when his malicious efforts had ceased to create any effect in this Society, he was sent to England at Public Expence, for the purpose, I fully believe, of exciting there that feeling which should effect, as it has done, my ruin !

Mr. Parker's Statements I shall triumphantly refute in a separate paper, charge by charge, and I shall for the present only ask, what, independent of his own case, do they amount to ? To my being a Roman Catholic ; to the prejudices of that faith being, in his opinion injurious to the Protestant Establishment, and to certain acts with which I am charged, evincing on my part a hostility to that Establishment.

If, Gentlemen, I disprove fully and clearly, which I can and shall do, each and all of the hostile acts imputed to me, what becomes of the conclusion ?

I have been 31 years in public life, in the 28th it is accidentally discovered that my connection is Roman Catholic, from that moment it would seem all my former conduct and services are forgotten, to justify treating me in the spirit which actuated and disgraced the 16th century. I am therefore under the necessity of recalling to the Secretary of State's recollection that I have filled either the principal or most active Situation

in this Government for 17 years under the administration of the Earl of Caledon, Lord Howden, and Lord C. Somerset. I appeal to the records of the Secretary of State's Office, whether during that period or previous to the arrival of Mr. Parker in the Colony any representations of my hostility to that Establishment ever reached that office. I appeal to each of the Governors I have named whether they had reason to think that such hostility was felt by me? To the Earl of Caledon, whose brilliant administration of this Government is uppermost in the recollection of the Colonists, under whose rule more was done for the propagation of Christianity than has been effected in all the years that have subsequently glided away: Did not that Nobleman receive from me every assistance in the furtherance of his benevolent views? That Nobleman who has never advocated the Catholic question, not only did not find in me any hostility to the Protestant Establishment, but upon the death of Mr. Barnard, he nominated me to the Secretaryship, the duties of which I performed during nearly the whole of his administration; would his Lordship have so done, would he to this moment continue to me his confidence and friendship, had I been the Bigot I am now represented? When my appointment to the Secretaryship took place, on the death of Mr. Alexander, Lord Howden, the son of an Archbishop, warmly from every principle attached to the Hierarchy of the Church of England, expressed his satisfaction at that appointment and in a Letter to his confidential friend Mr. Stoll said that had he remained in this Government he should have nominated me for the vacancy, would he have entertained such sentiments had I evinced the hostility imputed to me? or would Lord Charles Somerset have urged my being appointed, if at *that* time he had found in me such prepossessions? But he knew they did not exist, he knew that I had zealously forwarded by every means in my power every object connected with the religious improvement of the Colony, and not only that, but that I had suggested most of the measures which had attracted the approbation of the Home Government on this Head! When his Lordship returned from England in 1821 with a confidential communication from the Secretary of State in his pocket on the subject of my creed, then just broached by Mr. Parker, I took the

liberty of addressing a letter to His Lordship, of which a copy is annexed, in which I endeavoured to bring to his recollection some of the measures which I had suggested, which would of course have disproved the inferences of Mr. Parker, and among others the proposal I had urged in the years 1816 and 1817 for ameliorating the condition of the Slave population, and placing the education of Slave Children entirely under Government controul, so that their religious feelings should be moulded at its pleasure; measures partially adopted in 1823, without any acknowledgement of the share which the proposer had had in 1817! These proposals are annexures to the Letter of which I now give you a Copy, they will speak for themselves, but it is not irrelevant to the subject to add that the aforesaid Letters altho' expressly written for the information of Earl Bathurst were withheld from His Lordship as Lord Charles Somerset informed me in September last, at the time I was (illegally as I believe) called upon to take oaths of Office differing from those prescribed to be taken by His Majesty's patent to the Governor, an extract of which will be found among the Documents refuting Mr. Parker's charges.

But let my private life be traced to discover the hostility to my protestant fellow citizens and brethren imputed to me: I have had little or no communication with persons of the Roman Catholic persuasion thro' life, my intercourse, my friendship have been nearly exclusively protestant, and acquaintances probably never knew that I was of a different religious communion from themselves. My Wife is a protestant, a strict Calvinist, which has not prevented our having passed 25 years together in the completest Harmony; with her religious faith I never interfered, but both here, and in England procured for her every facility for attending the Public Worship of her Communion. Until the arrival of Mr. Parker and until the support he received was matter of public notoriety, religious animosity was unknown in this then happy Colony; from that period all has been discord, and altho' we are fast recovering from the religious antipathies which were during two years excited, the state of Society here is in other respects terrific.

In what other part of the British Empire have domiciliary visits ever been heard of? or the seizure of private papers

to discover, what? at most a despicable libel; you Gentlemen are witnesses of the state of Society I allude to, and you must know as well as I do what has caused it. While I possessed influence it is well known and now acknowledged that it was otherwise! You also know that it has been insinuated, that the aspersions thrown out against the Governor's character, and the accusations which have been publicly made against him, were prompted by me; that it is even rumoured, that a person suffering under the Sentence of the Court of Justice for Libel has been communicated with in his prison with the view of fixing upon me the infamy of having given him information.

No, Gentlemen, of such an act I am incapable, neither that person nor any other person either in, or out of, the Colony has obtained information from me with the view of criminating the Governor! I do not disguise from you that I have opened my grievances to my personal friends in England, but I have not authorized any one as yet to carry my grievances to the Secretary of State or to make them public. From the time of your arrival to the present moment, I have been confined, a short interval excepted, to a bed of sickness, and calamity, and it is not from such a bed that a person of the religion I profess seeks base revenge; I do no such thing, I freely forgive the cruel injuries which have been done me, as I hope for forgiveness in the world to which I am fast hastening, and if in this communication there be aught of bitterness, I have been solely actuated in what I have said by the duty I owe to my character, which it is important to my children should continue and descend to them unsullied.

I now submit to you according to the Secretary of State's desire the accompanying clear, precise, and as I before expressed it, triumphant refutation of Mr. Parker's calumnies. I do so without further remark or comment, and have the honour &c.

(Signed) C. Bird.

[Copy.]

Lieut. Colonel Bird's Replies to the Charges preferred against him by Mr. William Parker, which Charges were transmitted to Lieut. Colonel Bird in a Letter from His Majesty's Commissioners of Inquiry dated 18th June 1824.

1st Charge. Lieut. Col. Bird remembers Mr. Parker having told him that he had the strongest recommendations from many Noblemen, and that Sir Benjamin Bloomfield had interested himself with His Majesty in his regard, and that he Mr. Parker understood that an order had been sent to this Colony for his party to be located at the Knysna. Lieut. Col. Bird informed Mr. Parker that His Majesty's Commands in such respect had not reached the Colony, and that there were not any communications from Downing Street which tended to place Mr. Parker upon a different footing from that of other Heads of Parties, that the Lands at the Knysna were all private property, and that therefore it would have been under any circumstances impracticable to have Located Mr. Parker there. Lt. Col. Bird never insinuated or supposed that the Letters Mr. Parker produced (he does not now recollect from whom) were surreptitious, he merely told Mr. Parker that the Acting Governor had not received any communications respecting Mr. Parker which placed him in a different light from other Gentlemen Heads of Parties.

There is in fact no vacant Land at the Knysna; when it was wished to form a small Naval Settlement there, arrangements were made with Mr. Rex a large proprietor on that river for the cession of 80 acres of Land to effect it. A List of Mr. Rex's Estates with the dates of the Titles is annexed.

No. 1. Sir Rufane Donkin in the explanations he gave to the Secretary of State in answer to Mr. Parker's complaints, states that he told Mr. Parker that he could not consider him in a different point of view from other Heads of parties.

2nd Charge. Lieut. Col. Bird denies most solemnly having given Mr. Parker any high coloured or unfair description of the Lands at Clan William, upon which the Acting Governor had ordered that the heads of parties from Cork should be

located. He told Mr. Parker what he understood to be the case with respect to these Lands, which could not then have been at variance with any report as to them, as it is a circumstance known to Mr. Parker that Mr. Buissinne's Report upon the Lands could have had no influence on the measure of locating Mr. Parker there, that Report not having been received at the time Mr. Parker proceeded thither. Mr. Buissinne probably not thinking the parties about to be sent so near, went to examine the Mouth of the Elephant's River, and did not transmit his Report till after his return, which was subsequent to the parties having moved from Saldanha Bay. A Copy of Mr. Buissinne's Report is however annexed, which will prove that Mr. Parker is not justified in what he states as to Mr. Buissinne's opinion of the Lands at Clan William. Mr. Parker is in error in stating that Mr. Ryneveld was deputed to inspect these Lands, he was not so sent. But it must be here observed that Mr. Parker was early informed by Mr. Ellis that the measure of locating the parties at Clan William was not one suggested by the Colonial Secretary, but that his opinion was averse from their being separated from the mass of Settlers. An Extract from Mr. Ellis's letter is hereunto annexed. It is consequently obvious that in imputing his misfortune in this respect to Lieut. Col. Bird, he knowingly states that which is unfounded. But previous to the debarkation of his party Mr. Parker had seen these Lands, and had objected to them, upon which Lieut. Col. Bird ordered the transport on which Mr. Parker's party was embarked to Simon's Bay that it might there take in water and provisions, and then proceed to the destination of the other Settlers, the Albany District, upon which Mr. Parker changed his mind and solicited the Landdrost of the Cape District, who was on the spot, to recall the waggons which had been ordered away that his party might proceed to Clan William, which Mr. Stoll acceded to. Thus Mr. Parker, by this act, took upon himself the responsibility of locating his party at Clan William, and from that moment may be said to have had no further claims on Government in this regard, the whole of this is however fully explained in the Colonial Secretary's Letter to Sir Rufane Donkin with enclosures dated 8th August 1821, which Letter is an enclosure in the Acting Governor's Despatch to Earl Bathurst dated 23rd

August 1821, which is already in possession of His Majesty's Commissioners.

2nd Charge (b). Lieut. Col. Bird did state to Mr. Parker that it was not practicable to locate Mr. Parker's party or any portion thereof at Saldanha Bay. Lieut. Col. Bird was and is of opinion that the Lands at that station, even if they were not private property, are not fit for cultivation and the want of water would, if they were, render it inexpedient to locate any proportion of Emigrants on them. His Majesty's Commissioners have seen the Saldanha Bay Lands, and are therefore fully competent to say whether Lieut. Col. Bird's opinion on this head was or was not correct; this point is also fully explained in Lieut. Col. Bird's Letter to the Acting Governor dated 8th August 1821 above quoted. Lieut. Col. Bird begs to add that there is no discrepancy arising from Sir Rufane Donkin's having subsequently offered Mr. Parker an Erf (building allotment) at the Oostewal. Mr. Parker had represented that his views were commercial, not agricultural, and that he wanted to erect stores at Saldanha Bay, for that purpose the Acting Governor said his wishes should be acceded to, and a building allotment granted to him; there is a wide difference between this and locating a party for Agricultural purposes.

2nd Charge (c). The Letter which is alluded to in this Charge is also an annexure to Lieut. Col. Bird's Letter to the Acting Governor of the 8th August 1821 and in that Letter the cause and circumstances of writing that Letter are thus detailed. Mr. Parker alludes to a Letter I wrote to the Magistrate at Clan William. I annex a Copy of it; it arose from my being under the impression that Mr. Bergh did not do all that could be done for the accommodation of the Settlers, and from my anxiety that no reserve should be made of what belonged to Government, but that everything should be given up to them, and I had reason to think that Mr. Bergh's interest suffering from the influx of these strangers and their occupying Lands antecedently used for his profit, he was not so zealous in settling them as the Colonial Government had a right to expect. His Majesty's Commissioners will here again appreciate Mr. Parker's inaccuracy, as there is nothing in the Letter to Mr. Bergh to justify Mr. Parker's description of it.

2nd Charge (d). Of all the falsehoods which Mr. Parker

has so deliberately sworn to, this is one of the most glaring. Not only were his complaints against Mr. Woodcock to his knowledge transmitted immediately after they were made to the Magistrate at Clan William to be inquired into, but it will appear from the accompanying Extract of a Letter from Mr. Bergh dated 21 July 1821, then Deputy Landdrost, that the dispute between Mr. Parker and Mr. Woodcock was settled by a Measurement made by the Sworn Surveyor of the district, by which measurement it was proved that the Land which Mr. Parker's bailiff T. Murray had been ploughing was part of the Land (1000 acres) which he Mr. Parker had allotted to Mr. Woodcock, this measurement took place by Mutual consent, and at joint expense, in presence of Mr. Wm. Parker Junior in July 1820, and here Lieut. Col. Bird begs leave to refer to the whole of Mr. Bergh's letter above quoted, as it will elucidate some of the other points in Mr. Parker's allegations. The Letter is already in possession of His Majesty's Commissioners.

3rd Charge. It is quite impossible for Lt. Col. Bird to say what the Revd. Mr. Dennis did, or did not, say to Mr. Parker relative to Lt. Col. Bird's not having attended a Meeting for the formation of a Bible Society, nor did Lt. Col. Bird imagine that it was a matter of the smallest consequence whether he did or did not attend such Meetings. But Lieut. Col. Bird begs to say that it has been an invariable rule with him not to attend public Meetings, and one from which he has not deviated; this is one reason why he did not attend the meeting in question; but another and a principal reason was that there were in this Town antecedently two Societies for a similar object under the direction of the regular Clergy, and especially under that of the Revd. Mr. Dennis. It will be seen from the Copy of an advertisement in the *Cape Gazette*, which is annexed, that on the day on which the Meeting alluded to took place, Mr. Dennis made publicly known that any persons in want of Bibles or Testaments might be supplied on application. It therefore was and is Lieut. Col. Bird's opinion that it was doubtful at least whether it was wise or prudent to take this measure out of the Hands of the Regular Clergy and throw the distribution of Bibles &c. into that of the Dissenters, thereby casting a reflection, which he believed to have been unmerited, upon the exertions of the former. He is inclined

to think that the course which was adopted has not been advantageous to the old Establishment and that it had had the effect of leading the public to think that the conductors of those Establishments have been supine, which certainly was not the case. It is well known that every family in this Colony possesses at least one Copy of the Sacred Scriptures; the system of religious education is so far from being neglected here, that it would perhaps be difficult to find generally speaking young persons in any Country more firmly instructed in their religious tenets.

Young people of both Sexes of the Lutheran or Calvinistic persuasions are only permitted to marry upon producing a clerical certificate of their having been admitted Members of their respective Communions, and these certificates are only granted after strict examination. Such being the circumstances of the Colony, it was and is a doubt with Lieut. Col. Bird whether the unobtrusive Bible Societies which existed prior to the year 1821 were not adequate to the want of our limited population, and whether, every other consideration apart, it was not a waste of time to attend Meetings where the Bystander is compelled to listen to stammering hesitating speeches drawled out in brogue or scarcely intelligible dialect or to fulsome adulations addressed to a chairman who hears his own praise with a gasping mouth of wonder.

Lieut. Col. Bird is not aware of ever having had conversation with Mr. Dennis on the subject of Popish Priests, he believes that he never had any such, as it has not been usual with him to introduce subjects of the kind, indeed they were topics he has habitually avoided. Lieut. Col. Bird is quite certain that Mr. Dennis had no ground upon which he could give an unbiassed opinion as to whether Mr. Parker was or was not, persecuted, and from explanations he Lt. Col. Bird had with Mr. Dennis he can affirm that Mr. Dennis never did so. With respect to other parts of this charge Lt. Col. Bird does not think it necessary to enter into any explanation, nor can he suppose it to be required of him.

4th Charge. With regard to this Charge Lieut. Col. Bird has nothing whatever to say at present, as he does not understand it, or know to what it can possibly relate. He is quite sure that he never interpreted any of Mr. Parker's papers or Letters to

Sir Rufane Donkin or any other person. Mr. Parker's Letters were all written, as far as Lt. Col. Bird knows, in the language generally used by persons emigrating from the South of Ireland, and did not require any particular interpretation. Lieut. Col. Bird can find no allusion to this subject in the reports he made to Sir Rufane Donkin on Mr. Parker's complaints set forth in the letter of the 29th September 1820, and he learns now for the first time that an officer of Rank of this Garrison, whose name however is still unknown to him, was considered to be inimical to His Majesty's Government. Sir Rufane Donkin may perhaps be able to explain this, but to Lieut. Col. Bird the charge is quite unintelligible.

5th Charge. Mr. Parker is pleased to assert upon Oath that Lieut. Col. Bird has not qualified as the Law requires of persons holding office under the British Government; Lieut. Col. Bird assumes to say that he has in this respect complied with what the Law prescribes, and that Mr. Parker is again in error. It is to quote no mean authority when Lieut. Col. Bird adduces that of Mr. Ch. Butler, who asserts that there is no Law extant to prevent a Roman Catholic from holding office in the Colonies.

In Cowper's Reports, in the case of Fabrigas and Mostyn will be found a dictum of Lord Chief Justice de Grey, who says that a Governor of a conquered Colony is to execute the Laws of such Colony under such regulations as the King shall make in Council; now the King by His patent to the Governor (of which an Extract is annexed) has regulated for this Colony in the point in question; His Majesty has been pleased to prescribe that such of His Majesty's subjects, as observe other Evangelick mode of Worship than that of the Church of England, and shall be employed in Offices and places in the Settlement of the Cape of Good Hope, shall take the Oath prescribed in and by an Act of Parliament for the more effectual Government of the Province of Quebec in North America.

Now that Oath Lieut. Col. Bird has taken, in compliance with His Majesty's Commands, and according to Law, and it will not be an easy task to convince him or to satisfy the Public that His Majesty's Patent does not mean that which it so clearly expresses, or that Lord Chief Justice de Grey mistook the Law. Lieut. Col. Bird understands that a legal opinion has been

obtained in England differing from the view he has taken of the Laws as above laid down; Lieut. Col. Bird knows that he is suffering under that opinion, but his impressions remain unchanged; and he will fearlessly maintain the legality of his Conduct in taking Office under the King's patent, whenever he may be called to account on that subject. Every Statesman who has spoken in Parliament of late years on the Catholic question has acquiesced in the legality now asserted, and His Majesty's Government so long ago as the Grenada case quoted by Bryan Edwards appears not to have thought it advisable to call in question His Majesty's prerogative.

6th Charge. It does not astonish Lieut. Col. Bird to find that Mr. Parker has made it matter of complaint that Lieut. Col. Bird should have, iniquitously as he is pleased to term it, received a small grant of waste Land from Sir Rufane Donkin in the vale of Hout Bay and an allotment for building on in Cape Town; he is consistent in malevolence and misrepresentations. But it did greatly surprise and afflict Lieut. Col. Bird to learn that Lord C. Somerset should have remonstrated against his having obtained these small Grants! Lord C. Somerset, who had repeatedly offered him Lands, who at no time previous to December 1821 would have refused Lieut. Col. Bird any grant he might have applied for! Lord Ch. Somerset who took the trouble to enter into a private correspondence with Lieut. Col. Bird's neighbours, to do away their objections to his obtaining a grant of waste Land contiguous to his dwelling, which however Lieut. Col. Bird refused to take! His representation did astonish Lt. Col. Bird; but he is not the less certain that the propriety of his conduct in accepting these small grants will be as clear after the explanation about to be given, as he is sure it is on every other point. Lord Chas. Somerset in the course of his administration has granted 3,000,000 Acres of Land in this Colony. It will appear from the annexed Report of the Inspector of Lands that the Hout Bay grant which Lt. Col. Bird, without Solicitation of any kind, as Sir Rufane Donkin has observed to Lord Bathurst, obtained during his administration contains nominally 783 acres, but in reality 86 only, the remainder consisting in the sides of two precipitous mountains measured into the centre grant of the Hout Bay vale, to prevent the larger proprietor

of the Vale and plain from driving his Cattle by the Mountain's edge to the pasturages at the back of the Table Mountain, thus to obviate encroachments on Lieut. Col. Bird's Lands and on those of his Neighbours. Now let any one decide, even Mr. Parker, whether 86 Acres of Land so situated could have been appropriated to any proportion of Settlers? but let it be remarked also that the 86 Acres consists of Palmiet Marsh Land, the draining and clearing which, it is the Inspector's opinion, will not pay the proprietor for his heavy and unavoidable expence in the operation! Against Lieut. Col. Bird's obtaining the Land it has been thought expedient to protest. Let him ask why he should be debarred from taking waste Land? Did not his predecessors in the Secretaryship Mr. Barnard and Mr. Alexander obtain Grants? Have not the principal Civil Servants received these favours to a large extent? Mr. Alexander received grants of waste Land to the amount of many thousand Acres, and besides the Government Estate and Woods of Kirstenbosch and Lindenbosch with a dwelling house upon it, built for the residence of the late Dutch governor General Janssens. Sir J. Truter has received from Lord Chas. Somerset grants of Land to the extent of Ten Thousand Acres. Mr. Rivers after having been in Colonial employ two years received the grant of an Estate containing 6,200 Acres, and Mr. Ellis has had a grant made to him, not of waste land but of the Government Estate the Riet valley 6,000 Acres in extent with the Farm House and extensive outbuildings, and why was this grant made to Mr. Ellis? Because he represented to the Secretary of State that it was *usual* for the principal Civil Servants to have such Grants made to them, a representation which was backed by Lord Chas. Somerset!! Why then should Lieut. Col. Bird have hesitated to take 86 Acres of waste Land with the knowledge he had of all these facts? Is it not rather surprising that in the length of time in which he had had it in his power to take Land almost to any extent, he had the delicacy to decline availing himself of it? Besides he did not apply for these Lands, he did not even know they were disposable until he received a Letter from Sir Rufane Donkin from Graaff Reynet offering them in the following terms: "Graaff Reynet, 21 June 1821. I learn that the Baron van Hogendorp is giving up his Land at Hout

Bay, and application has been made to me for it. I think however that *you* on every account have the *first* claim to a grant of Land in the Cape District; I place it therefore at your option." It would be trifling with His Majesty's Commissioners to say more on this subject. But with respect to the Building Allotment in Cape Town Lieutenant Col. Bird begs to say that the site had been either in ruins or vacant ever since the British occupation of the Town; that it was and continues to be an eyesore; that Lieut. Col. Bird knew and knows that it was not, and is not, likely to be wanted for public purposes; that his constant residence out of Cape Town, it was observed, was not without inconvenience, and that the allotment having been offered to Lieut. Col. Bird he said that if he had it he would build a House on it for his family, knowing also that it is advantageous to the Public that capital shall be invested in good and substantial Buildings in a Town. When Lord Chas. Somerset made a grant to Mr. Harrington of a large Building Allotment on the Keizer's Gragt, the best situation in Cape Town, such was His Lordship's reasoning on that occasion, and His Lordship's arguments which are on record in the Colonial Office here, to which Lieut. Col. Bird begs therefore to refer, are so entirely applicable to this case that he needs adduce no other to justify his having accepted the offer made to him.

But lest it should be observed that Lieut. Col. Bird has obtained other Land, he begs to add that during the Earl of Caledon's Government he did receive a small grant of waste Land at Kirstenbosch upon which he built a Cottage, cleared and planted about 30 Acres, and formed an extensive and expensive Aqueduct, but finding that his occupancy interfered with Mr. Alexander's views, who was proprietor of the adjoining lands, at his request Lt. Col. Bird ceded the grant to him upon his repaying Lt. Col. Bird the expence he had incurred, which amounted to about £900 of our present currency.

7th Charge. Lieut. Col. Bird cannot but think that His Majesty's Commissioners must have felt some degree of reluctance when called upon by the Secretary of State to frame or compile this extraordinary charge, which is in Lieut. Col. Bird's opinion disgraceful to the party who has brought it forward. Lieut. Col. Bird has no other way of repelling it

than by asserting on his honour that he never remitted to or on account of the Individuals named a single guinea in his life time, which he is ready to affirm on oath should this declaration not be considered satisfactory.

8th Charge. Lieut. Col. Bird has had occasion to shew in the preceding articles that on some of the measures, which may be termed the principal ones, adopted during the administration of Sir Rufane Donkin he was either not consulted, or that they were resolved upon contrary to his, Lieut. Col. Bird's opinion, and he here begs again to notice that such was the case with respect to the Location of the Settlers from Cork, which is the ground of Mr. Parker's complaints. Sir Rufane Donkin was perfectly right in acting upon his own judgement, it is quite clear that if he had not done so, he would not have been fit for the situation for which His Majesty's Ministers had selected him, and in which he gave such uniform satisfaction, as may be gathered from the highly complimentary speeches and addresses made to him on his retirement, and particularly from the truly flattering speech made to him by Sir John Truter, who has been usually the organ of the sentiments of the Boards and Colleges of this Town, and who has addressed every Governor in nearly the same strain. This reminiscence is sufficient to prove the falsity of Mr. Parker's allegation on this head, but the accompanying Copy of a Letter from Sir Rufane Donkin to Lieut. Col. Bird will farther shew that he did not attempt to influence Sir Rufane during his administration of this Government.

9th Charge. This charge is indeed an extraordinary one, and in support of it it is asserted that Lieut. Col. Bird influenced the appointments of three persons who were Roman Catholics to situations under this Government.

It will be seen lower down that two of the three persons named were neither appointed by Lieut. Col. Bird or by his influence, while with respect to the third, who was recommended by him, it will be seen from authentic certificates that he belongs to the Reformed Church of this place, as his parents did before him. As to the religious tenets of the other gentlemen, Lieut. Col. Bird not having had anything to do with their appointments to the Civil Service, he never took the trouble of inquiring about them, and he might here venture

to question Mr. Parker's accuracy, if it were worth while. But he cannot pass over Mr. Parker's bad faith in putting forward Landdrosts of Districts, Political Commissioners, and Presidents of Matrimonial Courts, as if these were separate appointments, when he could not but know that they are parts only of the duties performed by the District Magistrate called here Landdrost.

The first intimation Lieut. Col. Bird had of the division of that part of the Uitenhage District which was previous to the arrival of the Settlers the Sub-drostdy of Albany (so called by Sir John Cradock after the expulsion of the Caffers in 1812) was from Sir Rufane Donkin's Letter of the 22nd May 1820 from Graham's Town, in which he says: "In my Dispatch to Lord Bathurst you will see the plan relative to the New Town, I intend to appoint a Deputy Landdrost there with considerable powers &c.," and further on he adds "while I am writing, the press of Settlers on this place complaining of their leaders obliges me to adopt immediate measures for hearing and deciding on their complaints. Ellis has recommended the appointments of temporary Magistrates here and at Bathurst, to prevent by their interposition the total breaking up of several of the parties, &c. I intend to make the experiment of employing Captain Trappes temporarily as a Magistrate, and he has just left me. I shall send him to the central point Bathurst."

It will be most clear from the above extracts not only that Lieut. Col. Bird was not consulted upon the measure adopted at the above period for the arrangement of the Albany District, but that he could have had no influence at a distance of 700 Miles in the appointment of Captain Trappes to the provisional Magistracy at Bathurst, an office which was created on the exigence of the moment, and of the intention to create which he neither had nor could have had any knowledge. In fact Lieut. Col. Bird did not recommend Captain Trappes to Sir Rufane Donkin for such employment, and when Captain Trappes' name was mentioned as that of a person likely to be useful in a Civil employment on the frontier, Lieut. Col. Bird stated the objections which he thought would render it inexpedient so to employ him there, and to this circumstance Sir Rufane Donkin has borne testimony in his explanations

to the Colonial Office. With respect to the employment of Major Jones, Mr. Parker is equally incorrect. With Major Jones Lieut. Col. Bird was entirely unacquainted previous to his arrival in this Colony. He was the personal friend of Sir Rufane Donkin, with whom he had served many years on the Staff, particularly in Portugal and Spain, where he had distinguished himself. Sir Rufane in taking this government and Command invited Major Jones to join him with the view of employing him, and he made him Landdrost of Albany, thereby superseding Captain Trappes. The mild, conciliating, and gentlemanly character of Major Jones became by this appointment known to the Colonists, and it has been matter of deep regret that he was removed from his command and Magistracy in the abrupt and uncourteous manner in which his dismissal took place.

With respect to the appointment of Mr. Schönnberg to the Landdrostship of Swellendam, Lieut, Col. Bird admits having recommended him to Lord Charles Somerset for that situation; he had been long in the inferior branches of the Administration, had been particularly useful in carrying into effect the measure of the Slave Registry, and was at the time of his being recommended as above stated Secretary to the Cape District, and therefore particularly eligible to a Landdrostship from his experience of a Landdrost's duties. With Mr. Schönnberg's private history, or with that of his Father, Lieut. Col. Bird was and is unacquainted; where Mr. Parker picked up the fable which he has communicated to the Secretary of State Lieut. Col. Bird neither knows nor will he stoop to inquire. Lieut. Col. Bird knows that the father of Mr. Schönnberg is a married Burgher of this place, of unblemished character, that he has a large family, and that the Son as well as the Father and mother are members of the Reformed Church, as the certificates before alluded to have shewn; that Mr. Schönnberg was an active Civil Servant of long standing, and it was Lieut. Col. Bird's practice as it was his duty to promote the interests of that class whenever it was in his power, which he invariably did as long as he had influence in the administration of this Government; this course, which as before said Lieut. Col. Bird invariably acted up to, was calculated (as it did in effect) to conciliate the Inhabitants to His Majesty's Government

and to bring into the Civil Service the most efficient persons for its various duties. Lieut. Col. Bird with pride and satisfaction recalls to his recollection the names of the Gentlemen he brought forward, Gentlemen who for Honour, Probity, and Talent are not exceeded in any part of His Majesty's foreign possessions, and Lieut. Col. Bird knows that the entire departure from this principle has produced a disgust and apathy very injurious to the King's Service. With respect to the appointment of Captain Trappes to the Landdrostship he now fills, Lieut. Col. Bird had nothing whatever to do. Lord Chas. Somerset, with the knowledge of all Mr. Parker's objections to Captn. Trappes, nominated him Landdrost of Tulbagh, and Lieut. Col. Bird has reason to believe that few give greater satisfaction in the departments they fill than Captn. Trappes does in his.

10th Charge. This desultory and last charge will be found equally false with all the others, and equally easy to rebut, though, as it comprises several points it will take a somewhat lengthened explanation.

It is not true that during the rule of Sir R. Donkin in 1820 Ground and a large sum of money were given by Government for the erection of a Roman Catholic Chapel. Neither the one nor the other took place, not a Sixpence was advanced by Government on such an account. The Burgher Senate, to which administration the Town Lands belong, following the example set them by the City of London in the donation to the Catholics of the Metropolis of an eligible allotment for the erection of a place of Public Worship, did cede to Mr. Scully a small allotment for a similar object, but neither Sir Rufane Donkin nor Lieut. Col. Bird interfered in any shape therein, publicly or privately. This fact is a proof that the religious animosity, since fomented, happily did not exist at that period, which is further proved by what Mr. Parker subsequently alludes to, viz. the subscriptions generally entered into for carrying the object of building a Roman Chapel into effect, to which subscription most of the principal Civil Servants and the Clergy of all denominations became contributors. But it is not true as insinuated by Mr. Parker that the subscriptions were solicited or collected by advertisement emanating from the Government, the advertisement was a private one from

the Roman Catholic Clergyman, as a reference to it will show, and such a one as would at that time have been inserted in the only advertiser here for any other denomination of Christians. With respect to a salary which Sir Rufane allotted to the Roman Catholic Clergyman of this Town, Lieut. Col. Bird does not admit that he, the Lieut. Colonel, ought to be called upon for any explanation; if it requires one, that General is answerable for his act, and he will not shrink from the responsibility; but Lieut. Col. Bird knows that what swayed the Acting Governor in his decision in this case was that he was aware that one third of the Garrison of Cape Town at least was Catholic, and attended the service of that Communion; that he had had certificates of the laborious duties of the Catholic Clergyman in almost daily attendance at the Military Hospitals, that his duties were equally arduous in attending numbers of Settlers of that persuasion who had left their parties to reside in Cape Town, and the Acting Governor therefore considered that there was a fair analogy between the situation of the Roman Catholic Clergyman and that of other Clergymen not belonging to the establishment of the Church of England coming out with parties to whom the Secretary of State by his Circular had held out provision. And now that Lieut. Col. Bird has brought forward this strong and just reasoning which he knows actuated Sir Rufane Donkin on this occasion, he deems it fair to himself to state that when the Revd. Mr. Scully's application was laid before the Acting Governor, he, Lieut. Col. Bird, expressed his doubts in writing as to the expediency of acceding to Mr. Scully's request.

Mr. Parker has been particularly unhappy and incorrect in having asserted on Oath that the Revd. Mr. Scully, a Roman Catholic Clergyman, had been appointed Librarian to the Public Library by Lieut. Col. Bird or by his influence. No such appointment ever took place, no such appointment was ever proposed, or even hinted at in any of the Meetings of the Committee of Management of that noble Institution, of which Lieut. Col. Bird was President, and of which he had the chief direction. Lieut. Col. Bird never entertained an idea of placing Mr. Scully in the Librarianship, whatever that gentleman's views or wishes may have been; but it was not on account of Mr. Scully's faith that Lieut. Col. Bird would have

hesitated to propose Mr. Scully; at that time Lieut. Col. Bird had no reason to suppose that the British Government would have less liberal feelings on this head than the Calvinistic Government at Java, where the Public Library is under the direction of the Senior Roman Catholic Clergyman of that place, but because it did not accord with Lieut. Col. Bird's knowledge of the state of the funds of the Library and of the mode he wished to see adopted in the disposal of them, to fritter them away in Salaries to officers. Lieut. Col. Bird therefore proposed in the first meeting of the Committee for management that the senior Colonial Chaplain and the Senior Minister of the Lutheran Congregation, both Members of the Committee, (Messrs. Hough and Kaufman) should be honorary Librarians, and these Gentlemen accepted the trust. This having been a known Public measure, with what indignation must the Secretary of State hear this reiterated calumny? But it will be useful here to bring before His Majesty's Commissioners the circumstances of the Public Library of Cape Town, since it is an institution which was suggested, matured, and carried into effect by Lieut. Col. Bird, but in which as in every thing else for the last two years he has met with nothing but opposition and mortification. By Lieut. Col. Bird's exertion the valuable Dessinian Collection has been restored to the Public, taken from behind the cobwebs where these valuable Books were unseen and unknown, they are now placed within the reach of every one, in a handsome, commodious Building, which he planned and had executed with the most rigid economy. A permanent fund having been allotted for a new and modern collection of Books, it was agreed in the Committee that a proportion of the funds should be sent to Holland to purchase Classic and foreign works and a proportion to England for an extended collection of the literature of our own Country; on the latter subject Lieut. Col. Bird corresponded with Mr. Barrow, of the Admiralty, and His Majesty's Commissioners may see and bear witness that what has been collected and sent is calculated to be the nucleus of a magnificent Literary Establishment, there are about £600 remaining in Mr. Barrow's hands to pay for a small Collection of Belles Lettres and Natural History, which Mr. Murray of Albemarle Street has prepared. Here there is

a resource which no other Colony possesses, spacious well furnished apartments, where the youth and Studious of Cape Town may meet without any expence to themselves whatever, and enjoy the most extensive literary resources ! And funds provided for keeping up the establishment in perpetuity. The last measure which the Committee agreed to at Lieut. Col. Bird's recommendation was to fit up a room for a copious Law Library only, in order that the advocates of this place, who have not the means of furnishing themselves with expensive Collections, may be enabled to consult the most valuable authorities.

It might have been expected that the planner of such an Establishment might have received some encouragement to continue his labours in it; but no, Mr. Parker asserts on *Oath* that he has caused a Popish Librarian to be appointed, and everything connected with the Establishment is immediately involved in discord ! It was necessary to appoint Sub-Librarians, the Committee decided that two should be employed, Mr. Harmse, who had been engaged near two years in the arrangements necessary to go into for removing the Dessinian Collection, was thought of for one, and the Revd. Mr. Hough solicited the President to have Mr. Ferriar, a Son of Dr. Ferriar, of Manchester, a young gentleman who had been educated at Cambridge and who possessed considerable Literary acquirements, nominated for the other ; this proposal Lieut. Col. Bird was most happy to second, having deemed it extremely desirable that a well-educated Gentleman should be found to fill the Situation. When therefore the Committee met, and Mr. Harmse was proposed and approved, Lieut. Col. Bird turned to Mr. Hough and asked whether he had not a friend to submit for the second Sub-Librarianship. Mr. Hough stammered and declined : it subsequently appeared that Mr. Hough had had an interview with the Governor, who told him that the Committee should not appoint Sub-Librarians, but that he would appoint them, and in fact the following day Mr. Harrison, an assistant Barrack Master, was appointed by that authority, a person whose avocations did not permit his doing the duties of it, not to say that he was in every respect totally unfit for the situation. Thus was there an end of confidence in the Committee meetings, where this sort of intrigue

and concealment had crept in; and it could only be inferred that Mr. Parker's influence had operated to create the discord which ensued, or at least that his aspersions were a pretext for it.

It is imputed, in this 10th charge, to Lieut. Col. Bird that a church has not yet been built for the congregation of the Church of England. Never was Mr. Parker more infelicitous in his false swearing than in affirming this charge upon Oath.

It is notorious that Lieut. Col. Bird has ever been anxious that a Church should be erected for the English Community. Many obstacles have presented themselves to prevent this object being carried into Execution, chiefly financial; but this a few years ago might have been overcome, when an Enthusiasm was excited in the British Society to have it effected, and offers of private subscriptions were made to the Colonial Chaplain adequate, it was believed, with very little aid from Government to carry an elegant plan into execution; on this occasion in company with the Colonial Chaplain Lieut. Col. Bird waited upon His Excellency the Governor to solicit his Sanction to the Measure, they represented that it was the wish of the British Inhabitants to have a place of Worship of their own, and to give up the joint use of the Calvinistic Church which was inconvenient, that the English and Dutch inhabitants would subscribe largely, that they the Colonial Chaplain and Lieut. Col. Bird would each subscribe 1000 Rixdollars, and that they hoped His Excellency would not hesitate in aiding if requisite the liberal donations of the Inhabitants from the public funds. Judge, Gentlemen, of their surprise and mortification when they found the proposition offensive, and were told that they only wished to see their names at the head of a List of large Subscribers! After this it will be clear that the proposal could not be reiterated during His Excellency Lord Chas. Somerset's administration, it therefore dropped.

Things have since much changed, and Lieut. Col. Bird regrets to say that he fears no voluntary subscriptions would now be collected adequate to so important an object. He must however add another instance of Mr. Parker's talent of putting himself in the wrong: he imputes to Lieut. Col. Bird that an English Church has not been built, the above will

prove his incorrectness in that respect; he accuses Lieut. Col. Bird of having had an undue influence during the administration of Sir Rufane Donkin, in which he is equally in error; Lieut. Col. Bird never possessed less influence than during the two years of Sir Rufane's Government, yet it so happens that during Sir Rufane's Government this very measure of building a Church for the English congregation was urged to the Secretary of State, and the site was pointed out on which it was deemed eligible it should be erected. Earl Bathurst's sanction to the proposal arrived after Sir Rufane Donkin's departure, and the plan rests in the Tomb of the Capulets ! !

(Signed) C. BIRD, Lt. Colonel ½p. 99 Foot.

[Enclosure 1 in the above.]

List of Estates belonging to George Rex, Esqre., situated on the River Knysna, with the dates of the original Grants.

Melk Hout Kraal	14 September 1770
Eastford	13 October 1780
Westford	16 December 1780
Springfield	9 December 1807
Portland	26 October 1781

Extract from the books of the Land Revenue Office.

(Signed) C. BIRD.

The other Enclosures have already appeared.—G. M. T.

[Original.]

Letter from MR. THOMAS PHILIPPS *to* R. WILMOT HORTON, ESQRE.

LAMPETER, NEAR BATHURST, 27*th June* 1824.

SIR,—I had the honor of addressing you lately on the subject of the great want of Labourers in this part of the Colony and as our plans are now more matured, I have again

written to my Relative Mr. Harris, which letter I have taken the liberty to enclose under the same cover as this, it may be necessary to mention that the number of the Labourers with their families which I stated in my last as required, are not wanted solely by the English Settlers in Albany, but by the old Residents likewise, and unless a supply is poured in equal to the demand, we shall not only be obliged to pay high wages but shall be in danger of losing them altogether, for the Boors seem gradually to be convinced of the superiority of European labor and in some cases I really think they would dispose of their Slaves altogether, which would be a great desideratum to us and might be the means of expelling Slavery, at least from this District, and therefore it becomes a twofold object with us to assist them with free labor. I do not know of any Country where Slavery is less required or where they are brought from a warmer to a colder Country, whereas the European finds himself in a congenial climate, in fact he can work more days in the year here than in England, he is not overpowered by the heats of Summer nor pinched by the severity of the winter.

The seed season this year altho' late from want of rain is favorable, and altogether I consider appearances to be propitious, Corn is however scarce all over the Colony.

Mr. Hayward, who has been appointed Commissioner for adjusting our claims, is arrived on the Frontier, Mr. Bigge has done me the honor of making me the medium of explaining to the Settlers the objects of Mr. Hayward's appointment and the very ample powers he is intrusted with, and I have the pleasure to say that the consolatory intelligence has been gratefully received, and not less so has the intelligence from England of the public subscription which has been opened and in which are seen with satisfaction the names of Lord Bathurst and yourself, with such attentions and feelings for our Interest and future welfare our sufferings for the last four years will soon be forgotten. As an Agent to the Committee of the Fund which has been long established in Cape Town, I can with safety assure you that a more legitimate object for relief does not exist, but the public should be aware what part of the Emigration has really suffered. Sir Richard Otley in

his speech last year very properly divided them into 4 classes, the 1st and 2nd masters, and those who worked on their locations, 3rdly and 4thly mechanics and servants, the two latter are not entitled to the smallest consideration as to relief, they have gained higher wages than ever they could hope for at home, and where provident have already realized small capitals. It is the real master and a few of the 2nd Class who are to be pitied, those who brought out capital, Industry and Servants, they have seen their capital dwindle away for 4 successive years, for their industry they have had no return, and their servants either deserted them or scarcely did them a real day's labor. I thought it necessary to give this explanation to you, as there is much misunderstanding on the subject, the Committee at Cape Town are however fully aware of the distinction and I am sure will justly discriminate in the appropriation, and I trust yet that the Government will not object to advance small loans on mortgage to those Masters who cannot even now, diminished as their capitals are, consent to accept of public charity.

The Caffres continue to molest us occasionally but not in any degree equal to what has been suffered from them. The measures that I am confident the Commissioners of Inquiry will recommend will soon put matters on a different footing with them. I have &c.

(Signed) THOMAS PHILIPPS.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 28*th June* 1824.

MY LORD,—I do myself the honor to transmit to your Lordship a memorial addressed to me by the Reverend William Geary, Chaplain at Graham's Town. I am induced to trouble your Lordship with it, in consequence of Mr. Geary having informed me that he had or should forward a copy of it to your Lordship and to the Earl of Liverpool. It is so replete with

mis-statement and falsehood, that I have felt it incumbent upon me to remark upon most of the clauses, as your Lordship will perceive, and as Mr. Geary took the liberty of using Mr. Bigge's name I felt it due to that gentleman to transmit Mr. Geary's Memorial for his perusal, and have the honor to transmit a letter from Mr. Bigge on returning it to me.

I am concerned to state that it is impossible for anyone's general conduct to be more offensive or reprehensible than Mr. Geary's is, at the same time he mixes up so much complaint against myself on all matters, that he has not yet given me an opening to dismiss him, without subjecting myself to an Imputation of personal Resentment. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Statement of LIEUTENANT COLONEL SCOTT *to the* COMMISSIONERS OF ENQUIRY.

29th June 1824.

Lieut. Col. Scott, H.M. 6th Regiment, states that he was appointed Commandant of the Frontier in succession to Major Jones on the return of Lord Charles Somerset to the Colony on 1st December 1821; that Lord Charles had strongly impressed on him before he went up to assume the Command the necessity of keeping up the system of Patrolling and of beating the Bush, as in his view, the most effectual means of keeping the Caffres in check, and preventing their depredations. He accordingly went up fully impressed with the importance of this mode of defence. He soon had occasion to alter his opinion. He found the patroles extremely harassing to the troops, and on observing the nature of the Bush, he became fully convinced of the impracticability of preventing the depredations of the Caffres by means of them. He also stationed parties in the Bush, laying in wait for days together, in the most frequented Caffre paths, but no good result attended this measure. A thick Bush Fifty Miles long and Ten in

breadth might be traversed by a scattered Patrole of 100 men with great difficulty, and half a dozen straggling Caffres might readily elude them, and he recollects only two instances of Caffres being intercepted by small patroles, though parties were at the commencement of his command very frequently sent out, and at one period numerous very small Patroles of Cavalry.

If any meditated Invasion of the Country by the Tribes were to be apprehended, the Patroles would doubtless be useful in apprizing us of their movements, and perhaps in checking the advance of large bodies of them, but these means would always be effectual in ascertaining their intentions. His correspondence with the Resident Agent, Mr. Thomson, who knew of all their movements, enabled him to anticipate them.

Aware of Lord Charles Somerset's predilection for the system of patrolling, he did not press his altered opinion upon His Lordship, but he confined his operations to sending small Cavalry Parties along the Roads and in watching the passes of the Fish River. He also caused to be erected a Block House at the Clay Pits to enable a few men to controul the Caffres who were permitted to gather the Red Clay, at stated periods when he himself attended, and he established the post at Fort Beaufort to watch Macomo, whose Tribe was the most active, consisting as it did of all the young men detached from his Father Gaika's Kraal (according to the practice of those Tribes when the son of a Chief comes of age).

When reports were brought to him of the loss of Cattle, he always sent out Patroles to endeavour to overtake and recover them, and from the activity of the Cavalry Patroles, frequently with success.

In February or March 1822 (soon after Succeeding to the Command) he made a report to Lord Charles Somerset, stating his view of the best mode of defence for the frontier. His proposition was to establish a number of Posts, alternately large and small, the former to contain 100 men, and the latter 50 men each, and of construction similar to that at the Clay Pits, which was calculated for defence by a small number of men. Twelve men could have held out in the Clay Pit Post against any number of Caffres.

By constant communication between these Posts and at

uncertain times, the frontier might have been watched and stragglers intercepted more effectually than by the Patroles, a greater number of men than are now *Stationed* on the frontier (altogether about 1000) would not have been required, and those would not have been harassed, they would have slept at the Neighbouring Posts instead of laying out. The distance recommended for the Posts to be apart not being more than a day's March, altho' they might have Patrolled between them at all hours. Lord Charles Somerset objected to his plan, alleging that it would be inconvenient to detach so many men, as well as expensive to erect so many detached Posts, and a similar system on the Fish River had been considered objectionable.

In March 1822 he was ordered from Head Quarters to send a Detachment to the *Chumie* for the purpose of seizing Gaika. The object of this measure was to enforce restitution by Gaika of the Cattle of the Missionary Institution on the Chumie by seizing his person at his own Kraal. The first offence had been committed by the people of the Institution, who had seized two horses in possession of the others, Gaika had not refused to give up the Cattle, but he delayed it, alleging that the people of the Institution were also *his subjects.*

The Detachment was sent in obedience to orders, and it failed in its object. An official report was made by him to the Commander of the Forces in February or March 1822. He conceives that the effect of this attempt was very prejudicial to the tranquillity of the Frontier, and depredations were begun and continued for a long time afterwards. No restrictions whatever were imposed on the Detachments sent in pursuit of stolen Cattle. They had instructions to follow them over the frontier while they retained any traces of them, nor was any such regulation in existence enjoining that application should be made to the Commander of the Forces in Cape Town when the Depredations of the Caffres were to be checked or the Stolen Cattle or property recovered. No Invasion of the Caffre Country once (involving an act of hostility against the Tribes) could take place, without the sanction of the Commander of the Forces, a regulation that is still in force.

In order to bring about a better understanding with the Chiefs, and to endeavour thro' the medium of their influence

to check the depredations of their people, he held a conference with them near the Chumie on the 2nd August 1823, having made repeated attempts previously to bring Gaika to a conference, but ineffectually, as he had not recovered from the Alarm occasioned by the attack on his Kraal, owing to which he had evaded the proposals for an interview at the Chumie or anywhere. It required much persuasion to induce Gaika to attend, and when he (Colonel Scott) went forward to meet him, unattended, Gaika was surrounded by his armed followers, and trembled in the apparent apprehension of some Treachery.

He had reason to believe also, that his son Macomo was in ambush with his people, to act in case any violence should be offered to his father Gaika. The result of this conference was the entire re-establishment of Confidence in Gaika, and after listening to a long address from him, declaratory of his intention to abstain in future from all depredations upon the European Settlers, he retired with the other Chiefs, to whom Colonel Scott made suitable presents, holding out as an encouragement that *a Fair* should be established on a plain near the *Chumie*, where the Caffres might have an opportunity of purchasing the things they required, and of disposing of their Ivory. A first attempt had been made at the Clay Pits Post, when the Caffres were permitted to come for Red Clay, an indulgence that gave much satisfaction to Botman's Tribe, who brought with them a considerable quantity of Ivory for barter, 3 cwt. or 4 cwt. of Ivory were exchanged for about 40 Rds. worth of Beads and Buttons &c. Col. Scott reported the result of this Conference with Gaika to Lord Charles Somerset by Letter.

The Settlers' Memorial complaining of the depredations of the Caffres was dated in March 1823, and this Interview and Conference with the Chiefs was held in (the following Month) April, and from that time no depredations were committed during the ensuing twelve Months, when from the long nights the Kaffers had generally been most active in their incursions. Another inducement with them at that Season to steal Cattle had been the coldness of the weather and their desire to obtain skins for clothing, having a great objection to killing their own Cattle. This tranquillity was not disturbed until the month of September following (only one depredation being

reported) when the depredations of the Caffres were again generally renewed. This he attributed to a dispute that arose, and an aggression that was committed by the Boors beyond the limits of his Command. That part of the Frontier comprehending the Field Cornetcy on the Baviaans River, in the Graaff Reinet District, had been subject to the authority of the Landdrost Mr. Stockenstrom. The Military Commandant not considering his authority to extend beyond the District of Albany, in which the Troops were exclusively stationed, some irregularities had prevailed, and the Boors complained of the loss of some of their Cattle. The Field Cornet Van der Ness applied to the officer commanding at Fort Beaufort for a Party to assist him in recovering them. The Officer (who did not feel himself authorized to detach his men beyond the District without orders) reported the circumstance to Graham's Town, and requested instructions. Meantime the Field Cornet determined of himself to pursue the plunderers, and with the assistance of a Commando of 45 Boors, recovered the Cattle. The Caffres however threatened to attack them with superior numbers, retook the Cattle, and declared their intention of revenging the invasion of their Country.

To this ill-managed incursion he attributes the renewed depredations of the Caffres in the Month of September, along the whole line of the Frontier, but just previous to this it was remarked by Colonel Fraser, an Officer who had had the greatest experience in that part of the Country, that he had never known the Caffres so quiet as they had been in the last few months. This remark was made by Colonel Fraser about six weeks before his death. The arrival of Major Somerset, and his Succession to the Command of the Frontier on the death of Colonel Fraser, left him no time for the adoption of Measures calculated for the restoration of tranquillity. Had he remained in command on the frontier (and he thinks it very injurious to change a Commander, who has become known to the Chiefs and Tribes), he fully intended to have established the proposed "Fairs." He objected to the admission of the Settlers to this traffic, considering it would be better managed by the Civil and Military Authorities on behalf of the Government. His plan was to have taken over waggons with red clay and articles of clothing, &c., to have

distributed the Clay in presents, and to have exchanged the Clothing, Beads, and Buttons for Ivory which they possess in large quantities.

The barter of Cattle is very objectionable in the present condition of that people. He also attributes much of the good will of the Caffres during the interval they abstained from committing depredations, to the circumstance of his allowing them to collect red clay at the Clay Pits, and while the women were so employed, he allowed the men to hunt wild animals in the Fish River Bush. He is certain that at that time no depredations were committed by the Caffres, otherwise they would have been reported to him. The Caffres returned from their Expeditions much gratified with the encouragement and confidence they had met with on the part of the English Authorities.

Soon after his appointment to the Command Lord C. Somerset had instructed him to proceed to Fredericksburg, and to make a report upon the Establishment formed there by Sir R. Donkin. Certain queries were addressed to him, to which he transmitted his replies in an Official Communication to Lord Charles Somerset. This opinion was decidedly against that Establishment. The people who composed it were of the worst description, and however respectable the Officers were, there can be no doubt that the men of the African Corps traded with the Caffres illicitly, obtained Cattle from them, and had they remained might have bartered ammunition and arms to them. Disputes would probably have arisen, and hostilities been engendered.

Enno's Tribe of Kaffers had been admitted to much familiar intercourse with the Military, having been three or four times to the Clay Pits, and the good effects of it were apparent in the spirit of that Tribe.

Thro' his recommendation the Cape Cavalry were augmented. He conceives them to be a very serviceable Corps. The Infantry of the Cape Corps may be better equipped for beating the Bush. He conceives that the Cavalry are chiefly useful, and the European Infantry best calculated for Garrison defence or for *field* operations, if required, altho' the Hottentot Infantry would be serviceable on such occasions.

Colonel Willshire employed the Europeans in the Bush, but

he had a considerable Force, not less than 1500 Regulars, besides strong Commandos. A much smaller force is sufficient for defence of the frontier if Posts were established and the System of patrolling between them.

(Signed) H. MAURICE SCOTT, Lt.-Colonel.

[Copy.]

Letter from Mr FREDERICK CARLISLE *to the* COMMISSIONERS OF ENQUIRY.

GRAHAM'S TOWN, *29th June* 1824.

GENTLEMEN,—Having long felt the great and increasing inconvenience of the want of available labour in Albany, I have for some time contemplated an undertaking which has for its object the removing in some measure this very serious evil.

It is decidedly the opinion of the settlers in general, that no measure whatever can go further in removing the difficulties by which they are surrounded than a constant and gradual importation of labour, and if this is true with regard to the Employers, I presume it must be equally advantageous to the persons brought out, as it is notorious that notwithstanding the appearances of distress which the artificial arrangement of the Emigration has produced, that servants can hardly be procured for double the wages they monthly obtained before arriving in this Colony, and that the greater part of those who can now afford to hire labour consists of Persons who came here destitute of means, and under Engagements which they found it their interest to recede from immediately on their arrival.

From these circumstances I have been led to form a Scheme of conducting an Emigration of Labourers to this part of the Country, provided I can secure the encouragement similar undertakings have received from the British Government, and as the best means of securing this I now take the liberty of soliciting your countenance or advice on the subject and of expressing my Confidence, that if you are pleased to second the

recommendation which I shall have the honour of submitting to you, I shall become the means of conferring a certain benefit on the Persons I may engage as well as the Colony at large.

I have &c.

(Signed) FREDK. CARLISLE.

[Original.]

Letter from MR. COLIN FRASER *to* R. W. HORTON, ESQRE.

EAST STREET, INVERNESS, 29*th June* 1824.

SIR,—The Presbytery of Chanomy having been desirous that a letter of Appointment should be transmitted in my favour, to be laid before them previous to ordination, and that I should transmit a letter of acceptance to be laid before the Right Honble. Earl Bathurst. In pursuance to such a request, I hereby must again declare my Acceptance of the said appointment to the Ecclesiastical Establishment in the Colony of the Cape, which I had formerly done in like manner with a view to the same charge. The next meeting of Presbytery is to be held on the 12th proximo, on which day my ordination shall take place if a letter of Appointment is forwarded previous to that date. I beg leave to request you will have the goodness to lay the enclosed extracts and this letter before the Honble. Earl Bathurst. And I have &c.

(Signed) COLIN FRASER.

[Copy.]

Abstract of the Returns of Cattle stolen by the Caffres from Inhabitants of the Uitenhage and Albany Districts, and those recovered, during the Years 1817, 1818, 1819, 1820, 1821, 1822, 1823, *and* 1824.

Year.	Stolen.	Recovered.
1817	844 head of Cattle 108 Horses	312 head of Cattle 53 Horses
1818	1,004 head of Cattle 21 Horses	318 head of Cattle None
1819	12,412 head of Cattle 178 Horses 2,059 Sheep	826 head of Cattle 33 Horses None
1820	476 head of Cattle 7 Horses	119 head of Cattle 2 Horses
1821	294 head of Cattle 4 Horses	90 head of Cattle 4 Horses
1822	2,537 head of Cattle 54 Horses	765 head of Cattle 13 Horses
1823	2,044 head of Cattle 92 Horses	526 head of Cattle None
To 30 June 1824	299 head of Cattle 14 Horses	696 head of Cattle 14 Horses

[Copy.]

Statement of Captain Walter Synnot *to the* Commissioners of Inquiry.

Cape Town, 30*th June* 1824.

Captain Walter Synnot states that he came out with a Party of ten families of settlers, and was sent to be located at Clan-William. The Lands were inadequate to subsist the number that were sent there, and the parties were in consequence offered the option of being removed to the Albany District. This offer was accepted by Captain Butler, and some Settlers belonging to other Parties also went round.

The Lands allotted to the Party that came out with Mr. Parker were relinquished by him in favour of the persons who

had claims on him, and permission for their transfer was subsequently sanctioned by Government.

At the removal of Captain Butler's party, Mr. Ingram obtained a grant of the Lands they abandoned, in addition to his own. He also purchased several locations in the Klein Valley from Individuals of Mr. Parker's Party, believes that Mr. Ingram obtained the grant of his Location before the expiration of three years. Mr. Shaw, the Revd. Mr. McCleland, a man named Baker, and Declarant are the only remaining Settlers holding locations.

Mr. Shaw, by purchase from or agreement with Mr. Ingram, has acquired possession of the whole of the Klein Valley excepting Baker's and Mr. McCleland's locations, Mr. Ingram retaining his own location and that of Captain Butler, about one sixth only of which is capable of cultivation. A small addition was made to it by Sir Rufane Donkin, but it was so inadequate that he was obliged to apply for the dissolution of his party, which was acceded to by the Acting Governor. None of Mr. Ingram's Settlers remain on his location. Captain Synnot does not recollect the nature of the disputes between Mr. Parker and Mr. Woodcock.

(Signed) WALTER SYNNOT.

[Original.]

Letter from MESSRS. MOODIE AND FRANCIS *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *30th June* 1824.

GENTLEMEN,—In submitting to you the following outline of a Plan for introducing a regular supply of white labour into this Colony from such parts of the United Kingdom as can be most benefited by relieving it of a redundant population, it seems proper to state first the object that should be held in view in offering our services and suggesting the means of accomplishing so desirable an end.

Although it would be far from prudent to disclose such an object in this Colony, perhaps contributing to the abolition of

slavery by diminishing the value of Slave Labour ought to have the first place.

The relieving the distresses of the Labouring classes in the Mother Country and placing the Emigrant in a situation where his moral improvement will keep pace with that of his circumstances is perhaps the next object in point of importance.

The supply of the great and encreasing demand for Labour and diminishing the cost of production ought to be the ostensible object in this Colony.

At home the evils suffered by the community, the indigence and crime, the miseries of a superabundant population are sufficiently known to be correctly appreciated.

It may here be necessary to say something to correct an impression that must have been given in England by the complaints of the emigrants in the Zuureveldt that the distress suffered by them has shown that our present population is equal to our means of subsistence.

There never existed the least ground for such a conclusion with respect to the Colony at large, the distress of the Settlers was not a consequence of any general scarcity nor even of failure of their first crops, so much as the distance at which they were settled from the more improved parts of the Colony and the other defects of that scheme. No difficulty would ever have been found of supplying them on the spot where the means were produced, particularly if they had been employed under the superintendence or in the service of more experienced agriculturists in the work of production. They suffered because the Community could not support at such a distance the additional expense of such a number of unproductive Labourers. The greater part are now scattered over the Colony, and though our wheat Crops have since failed the means of subsistence are abundant and the demand for labour has encreased in every part of it, and it is now perhaps the most urgent want of those who have at length been successful in establishing themselves in the Zuureveldt.

When the Emigrants in 1817 arrived there was scarcely an English servant in the Colony, and few were hired unless by English or natives who had acquired English habits, but the facilities afforded by the possession of a Labourer, the principal requisite to persons of small capital establishing themselves,

occasioned an immediate and encreasing demand which was only checked by the want of sufficient legal restraints on a Class who were perhaps too suddenly removed from the salutary control of fear as to their future subsistence.

Every British subject possessed of a small Capital who has since arrived in this Colony has necessarily become a hirer of white Labour unless when from the scarcity of it or the misconduct of the servants occasioned by that scarcity he has been compelled to become a slave owner. This demand has not been a consequence of the high profits derived by the employer, but has taken place in spite of the disadvantages under which the whole Community but particularly the agriculturists have laboured. The Master has always been the loser, but the servant has continued to receive high wages. This fact may serve to show the probable encrease that will take place in the demand when commercial and agricultural circumstances of the Colony are improved.

To encrease this demand still further and for other ends the importance of which cannot have escaped your notice, it is our wish to connect the introduction of white labour with the establishment of a house of agency which would have for its immediate object the introduction of British Capital into the Colony by sale of Lands to that description of small Capitalists who usually emigrate, and by negotiating loans to relieve the present distress of the agriculturists. We conceive that by confining ourselves to act as agents of others in the sale of Lands we would be enabled to avoid the impressions to which Land Offices have generally been exposed, although the present moment is peculiarly favourable to the British Capitalist investing his property in lands in this Colony. The success of every attempt to introduce labour and capital into the Colony must ultimately depend on the average rate of profit reaped in it.

On the result of your investigation in improving the circumstances of the Colony we have the most perfect reliance, and now beg to submit for your consideration what appears to us to be the best means of carrying into effect that part of our plan in which we would necessarily be dependent on the encouragement held out by Government.

1st. The Emigrants should be engaged in the parts of the

Country where they are most easily procured, or in other words where the strongest symptoms are exhibited of the existence of an over population, a preference should be given to those between 12 and 16 years of age and ceteris paribus to paupers actually maintained at the expense of the Parishes, they should not be sent out in greater numbers than 200 at a time, they should be victualled as is usual in his Majesty's Transport service, but no spirits allowed unless medicinally, their provisions as to quantity and quality should be regularly inspected by the proper Officers, a Surgeon should be engaged to attend each shipment and provided with a sufficient quantity of medicines, a building should be provided for their reception and a month's provisions allowed them in it, till they are enabled to provide themselves with situations.

2nd. The parties engaging them ought expressly to renounce every claim on their services and to be prohibited from entering into any Contract with them until after their arrival in the Colony, when they should be allowed to engage them on the same terms with others, and they should be bound to find employment for them until they are hired out and give them rations at the same rate as on the passage and such Clothing as may be absolutely necessary in lieu of their work till they are hired.

3rd. A Colonial law should be enacted obliging every Emigrant arriving in the Colony who does not produce two respectable persons as security that he shall not become burdensome on the Colony to enter into a Contract of Service for the period of one or two years from date of his or her arrival, and the person hiring an Emigrant should be obliged to pay 50 Rixdollars towards a fund for supporting Emigrants in sickness or indigence, to be placed under the management of a Committee chosen by several respectable Inhabitants of the Colony as may become contributors to the fund. For the remainder of their wages for the whole period the hirers ought to be obliged to pass their bills payable at such dates as may be agreed upon, and these Bills ought to be collected when due by a person appointed by the Committee and paid into a savings Bank established under its management for the behoof of the Emigrants when their Contracts have expired, to the due fulfilment of which on both sides the magistracy should be

instructed to pay particular attention, and to avoid unnecessarily harassing either Master or Servant by summoning them from a distance to the Drostdy Towns, Fines levied either on Master or Servant should be paid in aid of the fund for support of the indigent and sick.

4th. £ Sterling per head should be paid by Government for the Emigrant embarked at London or on the South Coasts of England or Ireland, if from Scotland or the Northern parts of England or Ireland, to be issued in the following proportions, viz.

£ on entering into the Charter party with a ship to convey them,

£ on the Certificate from a Magistrate of their embarcation, and the remainder to be drawn from the proper board on their landing at the Cape: besides such sum as Parishes relieved of burdensome paupers may agree to pay.

5th. As it may be an object with his Majesty's Government to supply the Settlement in Albany with a sufficient quantity of Labour, the sum of £ per head further should be paid to defray the expense of transporting them Coastwise and supporting them at Algoa Bay as at Cape Town till they are hired, to be drawn for accompanied with a Certificate of the number landed from the Custom House at Algoa Bay.

6th. When Government insure the parties against loss from detention, it will be optional with it to direct the shipments to be made from any part of the United Kingdom it may judge proper.

On these terms the undersigned offer to supply the Cape Market with labour so long as there shall be no material Change to their prejudice in the prices of provisions and tonnage in England.

Trusting, Gentlemen, that you will report to His Majesty's Government the qualifications which our experience in this Country has afforded us for carrying our proposal into effect and the opinion you may have formed of our Characters from what you may have learned of our Conduct in this Country,

We have &c.

(Signed) BENJN. MOODIE,
D. P. FRANCIS.

[Copy.]

Letter from Inhabitants of the Bokkeveld to the Commissioners of Enquiry.

To the Honorable His Majesty's Commissioners of Inquiry, Cape Town, Cape of Good Hope.

Honorable Sirs,—We the undersigned Burghers and Inhabitants of the Cold and Warm Bokkeveld intended to have waited on your Honors in Person at Tulbagh, but were prevented in consequence of the Landdrost of Worcester having written to us to hold ourselves in readiness to receive him, in order to inspect the places which we had applied for on Quit Rent, and when the same was completed we were informed that you had already left Tulbagh.

We therefore now humbly take the liberty with the deepest respect to state in writing our grievances regarding the removal of the Drostdy from Tulbagh to Worcester, which removal has occasioned us so many difficulties, especially in the Winter, when we have business with the Landdrost that is sometimes of consequence, and then we are frequently delayed for a considerable time by the Swelling of the Rivers, which puts us to great expense. That was not the case formerly when the Drostdy was at Tulbagh. Should our affairs lead us to Cape Town, and we have anything to do with the Landdrost, we are always obliged to make a circuit of One day's journey.

We therefore request of Your Honors (in case it be possible) to bring matters so far that the Old or former Drostdy of Tulbagh be restored, so that we may be delivered from the difficulties at present laid on us.

We are with all respect and Submission, &c.

Bokkeveld, 1st July, 1824.

(Signed) J. S. Theron, Field Cornet,
C. J. van der Merwe, Provisional Field Cornet,
Petrus van der Merwe, Ditto,
D. [illegible]'s Son,
[illegible]ste, J.Z.,
[illegible] Pienaar,
[illegible] Merwe,

JOHS. AN. DEMPERS,
N. G. JANSE, N. Son,
NICHS. HENDRIK VISSER,
J. R. VAN DER MERWE,
DANIEL PETRUS VAN DER MERWE,
W. JANSE, Barend's son,
JACOBUS MICHIEL VAN BAALEN,
PIETER RIEKKEN,
P. J. V. DER MERWE.

[Copy.]

Reply to the Memorial of several Merchants and Traders interested in the sale of Drugs and Patent Medicines, representing the injury they sustain under the Provision of the 5th Clause of the Proclamation of 26th September last, for the regulation of the Medical practice, and praying for a revision thereof.

Memorialists are informed that having received from the Physicians, Surgeons, and Apothecaries a representation of which a Copy is annexed, His Excellency the Governor regrets that with such a Document before Him, it is not possible for him to accede to the wishes of the Memorialists.

Colonial Office, 1st July, 1824.

By His Excellency's Command,

(Signed) P. G. BRINK.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *2nd July* 1824.

MY LORD,—I have the honor to request Your Lordship's Instructions on the following subjects. In April 1820, a purchase was made by P. S. Buissinne Esq., then Acting Inspector

of Government Lands and Woods, of the Loan Place of Casparus Albertyn called " de Wolvegat " for Thirteen Thousand Two Hundred Rixdollars, under the Directions (as it would appear by the Colonial Secretary's letter to the Sequestrator of the 10th April 1820, a copy of which I have the honor to enclose No. 1.) of the Acting Governor.

This estate being to be divided was directed by a Decree of the Court of Justice (as is usual) to be disposed of by the Sequestrator. The Enclosures Nos. 2, 3, 4 and 5 will show to Your Lordship the various applications that Officer has made to the Government for payment; but as I can find no authority for the purchase, except that contained in the Enclosure No. 1, I am necessitated to solicit Your Lordship's Commands. I am informed that the Intention of the Acting Governor was to place a Welsh Party there, but on the arrival of that Party in the Colony, they refused to locate there from the Inadequacy of the place to their Wants. It has been attempted to be resold, which has caused the delay, but I understand that the utmost which can be expected to be obtained for it is about Four Thousand Rixds. In the meantime the Sequestrator is urgent, having paid the amount to the parties interested, under his Reliance upon the Faith of Government.

Under which circumstances I beg to be honored with Your Lordship's early commands and Your Authority for the Issue of the amount to the Sequestrator, if Your Lordship decides upon its being paid. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

COLONIAL OFFICE, 10*th April* 1820.

SIR,—In case Mr. Buissinne becomes the purchaser of Albertyn's Loanplace the Wolvegat, I beg to acquaint you that the purchase is effected on account of the Colonial Government. I am &c.

(Signed) C. BIRD.

To R. J. van der Riet, Esquire.

[Enclosure 2 in the above.]

SEQUESTRATOR'S OFFICE, CAPE TOWN, *September 25th*, 1820.

SIR,—As I am about to close the Estate of Casparus Albertyn and Maria Elizabeth Bosman, I beg to request you will obtain from His Excellency the Acting Governor, the necessary qualification to pay or cause to be paid into my hands the Sum of Rds. 13,200, being the Amount due to the above mentioned Estate for a certain Loanplace called the Wolve Gat bought by Mr. P. S. Buissinne on account of Government. In complying with my request you will highly oblige him who has the honor to be, Sir, &c.

(Signed) R. J. v. d. RIET.

To C. Bird, Esqre., Colonial Secretary.

[Enclosure 3 in the above.]

SEQUESTRATOR'S OFFICE, 14*th November* 1823.

SIR,—I have to request you will be pleased to solicit His Excellency the Governor to direct that payment may be made for the Loan place Wolve Gat situated on the River Zonder End, District Stellenbosch, purchased by order of Government at the Sale of the divorced Persons Casparus Albertyn and Maria Elizabeth Bosman for Rds. 13,200, concerning which I addressed you on the 25th September 1820. I have &c.

(Signed) R. J. v. d. RIET.

To C. Bird, Esqre., Colonial Secretary.

[Enclosure 4 in the above.]

SEQUESTRATOR'S OFFICE, 19*th February* 1824.

SIR,—Referring to my former Letters of 25th September 1820 and 14th November 1823, on the Subject of the purchase made by Mr. P. S. Buissinne by order of Government of the Loan place Wolvegat, situated on the River Zonder End, District Stellenbosch, at the sale of the divorced Persons, Casparus Albertyn and Maria Elizabeth Bosman for Rds. 13,200,

and to which I have received no reply, I beg again earnestly to solicit you will be pleased to lay the same before His Excellency the Governor in order that the Transfer may be effected, and enable me to receive the amount of said purchase. I have &c.

(Signed) R. J. v. d. RIET.

C. Bird, Esqre., Colonial Secretary.

[Enclosure 5 in the above.]

SEQUESTRATOR'S OFFICE, 11*th June* 1824.

SIR,—Referring to my former Letters, the last dated 19th February 1824, on the subject of the Loanplace Wolve Gat purchased by Mr. P. S. Buissinne in the Year 1820 by order and for Account of Government, and having learnt that the said place was transferred to the Colonial Government on the 27th April last, I have earnestly to request you will be pleased to state the Circumstance to His Excellency the Governor, in order that a Warrant for the Amount being Rds. 13,200 may be prepared, which will bring this Transaction to a final settlement. I have &c.

(Signed) R. J. v. d. RIET.

P. G. Brink, Esqre., Acting Colonial Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 2*nd July* 1824.

MY LORD,—I do myself the honor to acknowledge the receipt of your Lordship's Despatch of the 13th March last No. 90, giving cover to a copy of a communication from the Committee of Council for Trade; and having immediately called upon the Collector and Comptroller of the Customs at this Port for the information required by the Committee, I have now the honor to transmit to your Lordship, herewith enclosed, a Copy of their reply, from which Your Lordship will perceive that a Duty of Ten per Cent ad valorem is levied upon

all foreign Brandies imported into this Settlement, and that no Drawback is allowed on the Export thereof.

It is matter of extreme regret to me that the account of Taxes and Duties, collected within the Colony, should not have been so detailed as your Lordship could have wished in the Schedule which I transmitted to Your Lordship; I shall however, in consonance with Your Lordship's desire, take the promptest measures for collecting these Details, for the purpose of being embodied in the annual financial Return which will be transmitted to Your Lordship in future. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CUSTOM HOUSE, CAPE TOWN, 22*nd June* 1824.

SIR,—In reply to the inquiry of the Committee of the Council of Trade, transmitted to His Excellency the Governor by Lord Bathurst and to us by you, We have the honor of reporting for the information of His Excellency, that a duty of 10 Per Cent ad valorem is levied upon all Foreign Brandies imported into the Cape and that no drawback is allowed on the Export, whether in the natural State or Mixed with Cape Wine when manufactured.

The Total receipt of duties on the Import of Brandy in the Year 1823 amounted to Forty Thousand Seven hundred and Sixteen Rixdollars. We have &c.

(Signed) CHARLES BLAIR, Collector of Customs.
W. WILBERFORCE BIRD, Comptroller of Customs.

P. G. Brink, Esqre., Acting Colonial Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 3*rd July* 1824.

MY LORD,—In my despatch of 10th May last No. 87, I informed Your Lordship of the necessity to which I had been driven to stop the press of one George Greig who had been permitted to print and publish a weekly paper under certain

restrictions and conditions, which, I, in the despatch above alluded to, had the Honor to forward to your Lordship, and which accorded with the Instructions contained in Mr. Wilmot Horton's Letter to me of the 7th of July 1823. My Despatch also contained (Enclosure No. 11) my Warrant (drawn up by the Chief Justice) to the Fiscal. It is necessary however that I should state to Your Lordship that I caused it to be intimated on the 23rd May last, to George Greig, by His Majesty's Fiscal, that unless he gave new cause for that exercise of my authority, his quitting the Colony would not be enforced.

A few days after the locking up of G. Greig's Presses, His Majesty's Fiscal observed verbally to Mr. Pringle (the author and publisher of the South African two Monthly Journal) the Impropriety of the tone adopted in different Parts of that Publication, and the Disrespect it conveyed towards the Government, and also the infringement it evinced upon the Conditions under which he had been permitted to publish, a copy of which I enclose No. 1 : when Mr. Pringle the following day sent His Majesty's Fiscal the note of which the enclosure No. 2 is a copy. The tone of that Note developes, but too obviously, the whole character and Disposition of Mr. Pringle, of whom I am free to express my opinion, that there does not exist a less well-affected man towards His Majesty's Government in all His Majesty's Dominions, unless it be perhaps his Co-adjutor Mr. J. Fairbairn. Mr. Pringle came here as a Settler on the 30th April 1820, and I received a recommendation of him from Sir Walter Scott thro' Mr. Goulburn. He obtained a most excellent Tract of grazing Land, every encouragement was given to him, and every Indulgence shown him. In 1822 he represented his pursuits to be literary, and begged to give his Farm over to his Brother, recently arrived from Europe, which was granted to him, and he solicited permission to establish a Grammar School. He received from this Government every aid on that Head also, and was besides presented by me with the Sub-Librarianship of the public Library, a situation of much ease, with a Salary of one Thousand Rixdollars per annum. He then solicited an extension of Land for his Brother, which was also favourably met. He also obtained a Grant for himself of upwards of Nine thousand four hundred Acres. He then proposed the publication of a

periodical Journal upon the Conditions herewith enclosed, No. 1, and requested in order to avoid sinking any Capital the use of the Government Press. This also was acceded to after the receipt of Mr. W. Horton's Letter of the 7th July 1823; and in order to facilitate the circulation of his Journal the postage of it was reduced from the rates charged upon letters to one skilling (about 2½d. sterling) an ounce.

I have omitted to state to Your Lordship that immediately upon my locking up G. Greig's Press, a clamour was raised out of Doors for a free Press, which I can only describe by calling to your Lordship's recollection the clamour that existed in London relative to the Queen in 1820. A memorial was drawn up to the King in Council, for the Establishment of a free press here; and the disaffected resorted to every means to obtain Signatures. Pringle and Fairbairn were of course amongst the foremost, but scarcely a name except the very lowest and some few of the middle class of shopkeeper was subscribed, until I grieve to relate, the Agent of the East India Company William Hawkins Esqre. and a Mr. W. T. Blair of the Madras Civil Service added theirs. The latter is a Visitor here on account of his health, and tho' it was extremely indecorous in him to mingle himself with a faction, whose only object was to insult the Authority of the Government, yet he might conceive that he was justified in giving vent to his political feelings; but that the Gentleman who in this small circle holds so distinguished a situation as Agent to the East India Company should lend the respectability of his Office to the mischievous purposes of a Faction, striving to shake the Government and the Laws, is a subject that I trust Your Lordship will deem expedient to submit to the consideration of the President of the Board of Control. I know of no authority here that the Colonial Government has a claim to look to for more cordial support than to the Company's Agent; and I cannot but feel that in the present instance Mr. Hawkins's conduct has given very undue countenance to a very mischievous Faction.

The principal actors in this scene, besides Pringle and Fairbairn, were J. Ingram (the Importer of Irish Paupers), Bishop Burnett, D. Francis, Benjamin Wilmot, G. Greig, J. H. Whiston (a shopkeeper), W. Edwards, H. E. Rutherfoord, and J. M. Maynard, (Pew opener at a dissenting Chapel).

I take the liberty of mentioning the names of these persons, (prominent in Cabal) as it is probable Your Lordship may receive representations of pretended hardships from them. Wm. Edwards (now a convict under sentence of seven years transportation to New South Wales) is the friend and ally of the greater part of the above named. And it is a justice I owe to the Dutch population to say that scarcely any of them subscribed their names, and those few who did so were cajoled into it without understanding its object.

It is my intention to transmit to Your Lordship a detail of Mr. Greig's career from the period of the locking up of his Presses to the present moment, but the Documents which must accompany it are so voluminous as to necessitate my postponing it until the next opportunity. I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S. Since closing this Dispatch I have obtained a copy of the Memorial to the King for a free press, with the whole of the Signatures, and a description of the persons who have signed, which I have the honour to transmit.

[Copy.]

Statement of MAJOR A. J. CLOETE *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *5th July* 1824.

Major A. J. Cloete states that in the month of July 1822 a severe storm having occurred in the Stellenbosch, Tulbagh and Cape Districts, during which from the heavy Rains that fell, upwards of 100 Houses in Cape Town and about as many in the village of Stellenbosch were materially injured, many of the Farm buildings in the District being nearly ruined, and considerable damage done to the Crops, and chiefly to the vineyards.

A proposition was made by the Governor to obtain a Loan of £100,000 or £125,000 from the Government in England for the purpose of relieving the general distress, and it being apprehended at that time that the injury was general throughout the Colony, it was estimated generally that £100,000 would be required to relieve the agriculturists and to repair private

Losses and £25,000 would be required for the restoration of public Buildings.

The storm lasted altogether about Three and Twenty Days, and the Declarant was appointed to carry home the proposition before the extent of the mischief had been fully ascertained. At the period of his departure a report had been received from Stellenbosch of the damage there sustained, and also from Tulbagh and the Cape District (the report from Tulbagh stated particularly the great injury that had been done to the Drostdy house and other public buildings), which reports were furnished to him with his Instructions, and he was desired to afford the Secretary of State any verbal explanations that might be required in support of the urgency of the Case.

In order to meet the more immediate Distresses it was arranged that 200,000 Rds. of paper currency should be created and distributed to such of the Inhabitants as were most in need of assistance, to be redeemed on the usual terms of the Lombard Bank, and Declarant was directed to apprize Lord Bathurst that this measure would be adopted in anticipation of his approval.

On arriving in England the Sanction of Earl Bathurst was given to the proposed Loan to the Colony, and it was finally arranged that " Lord Charles Somerset should be authorized to draw upon the Secretary of the Treasury for the Sum of £125,000 at 30 days sight, the Colony making provision for the payment of the same at 5 per Cent, and the repayment to be effected through the Commissariat to the Treasury according to the suggestion of Lord Charles Somerset," who had also proposed another alternative of remittances through the Agent of the Colony. A despatch was transmitted from the Colonial Office to Lord Charles Somerset approving of the creation of the Rds. 200,000, but recommending that it should be withdrawn as soon as possible, and authorizing the Governor to draw upon the Treasury to the amount of the accommodation granted of £125,000 on the Terms proposed ; for greater Dispatch intelligence had been sent out of this intended arrangement by the *Ariadne*, and Lord Charles was directed to negotiate his Drafts.

On Declarant's return to the Colony, it appeared that the Distresses of the Inhabitants had not required to be imme-

diately relieved by recourse to the Loan, and Lord Charles Somerset informed him that he hoped to be enabled to avoid the necessity of drawing on the Treasury, reserving the privilege of doing so on any further emergency.

It appeared that the harvest had not failed (as was apprehended) in consequence of the late storm (altho' many of the vineyards had suffered considerable damage), nor had the devastation occasioned by the Storm extended to the remoter parts of the Colony.

Declarant returned to the Colony in the beginning of May 1823.

(Signed) A. J. CLOETE.

[Original.]

Letter from LIEUTENANT T. C. WHITE *to* EARL BATHURST.

ARNOLD, NEAR NOTTINGHAM, *July 6th* 1824.

MY LORD,—The unfortunate termination of the late attempt to settle British emigrants at the Cape of Good Hope, and the great pecuniary losses which some Individuals have in consequence sustained, having already been under the consideration of His Majesty's Commissioners of Inquiry, it would be idle to trouble your Lordship with any explanation of the circumstances which, in my humble judgment, have led to such disastrous results.

The Report, too, of the Commissioners will, no doubt, exhibit all the difficulties with which the Settlers had to contend, and if these should appear to your Lordship of a magnitude to render all exertion unavailing, it would be unjust to doubt your Lordship's disposition to afford a proper compensation to the sufferers.

Having, however, been under the necessity of returning to this country after having submitted to the Commissioners of Inquiry a statement of the injuries which I had individually sustained, I take the liberty to request that your Lordship will allow me to be informed what has been the result of the investigation which I solicited. I have &c.

(Signed) T. C. WHITE, Lieut. H. P. 79 foot.

[Original.]

Letter from the Commissioners of Enquiry *to* Earl Bathurst.

Cape Town, 7 *July* 1824.

My Lord,—Referring to the letter that we did ourselves the honor of addressing to your Lordship on the 5th Ultimo, transmitting two memorials addressed to us by Mr. Wm. Hart, one of the British Settlers in this Colony, praying that we would bring under the consideration of His Majesty's Government his anxious wish that his wife and family now in England might be provided with a passage to this Colony at the public expence, we take the earliest opportunity of informing your Lordship that since despatching our letter we have received a further communication from Mr. Hart by which it appears that a considerable change has taken place in his views since the period of his addressing those memorials to us, and that he is now apprehensive that the removal of his wife and children to this Colony under his present reduced circumstances and inadequate means of support would only have the effect of adding to his present embarrassments, and in the event of his decease would leave his family entirely unprotected and unprovided in a distant Colony. Mr. Hart has in consequence solicited our intercession with your Lordship to procure for him and for such of his children as are with him a passage to England at the public expense for the purpose of enabling him to join his family there.

Under these circumstances it only remains for us to express our regret that we should have been induced to trouble your Lordship with the communication of Mr. Hart's original request, and to add our belief that there is very little expectation of his being able to provide for his family in this Colony by any exertion of his own. We have &c.

(Signed) John Thomas Bigge,
William M. G. Colebrooke.

[Copy.]

Letter from MR. GEORGE GREIG *to the* ASSISTANT COLONIAL SECRETARY.

CAPE TOWN, *July 7th* 1824.

SIR,—I have the honor to acknowledge the receipt of your Letter of to-day, in which you inform me, that His Excellency the Governor will consent only to the nomination of Messrs. Johnstone and Mollett, to set a valuation upon my Printing Materials, I beg to state, in answer, that under these circumstances, I am willing to abide by their decision.

It will be necessary that the Seals of the Room be broken. In making an arrangement for this purpose, and also in administering the Oath to the Appraisers, I have to request as much dispatch as is practicable, being on the eve of sailing for England. I have &c.

(Signed) GEO. GREIG.

[Copy.]

Affidavit of LIEUTENANT COLONEL BIRD.

Mr. Parker having, as I am informed by His Majesty's Commissioners of Inquiry, deposed upon Oath to the following effect, viz. "In Mr. Parker's first interview with Lieut. Col. Bird being asked by him why he did not bring a Roman Catholic Priest with his Settlers from Ireland? Mr. Parker declared his antipathy to the practices and conduct of the Romish priesthood, which being offensive to Lt. Col. Bird he was persecuted in the manner hereinafter set forth."

And as I have no means of disproving but by counter assertions what that person states to have taken place in a conversation we have had together upon his first arrival in this Colony, I am under the necessity of deposing also upon Oath, my entire denial of his premises and Conclusion.

I do therefore hereby most solemnly Swear that I never had any conversation with Mr. Parker to my knowledge, recollection or belief, in which I asked him why he did not bring a

Roman Catholic Priest with his Settlers from Ireland. I recollect having asked Mr. Parker whether there were any Roman Catholics in his party, as I should have asked any other head of Party coming from the South of Ireland, and I remember Mr. Parker having then spoken strongly of his dislike to Roman Catholics; having however thro' life been accustomed to hear expressions of a similar tendency Mr. Parker's sentiments so expressed did not create in me the slightest feeling inimical to Mr. Parker; it is therefore not likely that I should have asked him a question useless in itself under such circumstances.

And I further solemnly swear that I neither persecuted Mr. Parker for the aforesaid, or for any other reasons; and that with respect to any disappointments which Mr. Parker may have met with in his views in this Colony, to the best of my belief they arose from his extravagant expectations and conduct, he having placed himself in a Situation in which it appears to me to have been impracticable to have afforded him any effectual relief. I further Swear that I did not use any influence with Sir R. Donkin, Acting Governor, prejudicial to Mr. Parker's interests, but that I put before him all Mr. Parker's representations which were made to me fully and fairly, and acted only upon the Governor's Orders in any matter in which Mr. Parker was concerned, except in the instance of ordering the Transport, in which Mr. Parker was embarked, from Saldanha Bay to Simons Bay, in order to proceed to the Albany Coast, as soon as revictualled, upon Mr. Parker having declined proceeding with his Party to Clan William, which place the Acting Governor had fixed upon for his Location, which order in consequence of the debarkation of Mr. Parker's party at Saldanha Bay was not acted upon.

(Signed) C. Bird.

Sworn before me at Rondebosch, Cape District, this 7th day of July 1804.

(Signed) J. W. Sneal, Landdrost.

[Copy.]

Letter from the FISCAL *to* LORD CHARLES SOMERSET.

FISCAL'S OFFICE, *the 7th July* 1824.

MY LORD,—I have the honor herewith to transmit to your Excellency translations of my preliminary judicial investigation against the persons suspected to have made and on the 1st ultimo published that most infamous placard, whereof the obvious tendency was to wound the heart of your Excellency and to create the most abominable suspicions in the hearts of the inhabitants.

Altho' I could not bring the odious offenders to condign punishment, or those suspected of the offence to a full conviction of their guilt, yet they did not escape those well founded suspicions which induced the Court on the 14th ultimo not to shut the door for my further inquiry, but to allow the Sword of Justice to remain suspended over their heads.

From the annexed documents it will appear to your Excellency that the commencement of my inquiries originated in an anonymous letter written on the 4th ultimo to Dr. Barry, which however did not throw much light on the affair, although the same involved Mr. George Greig and his late clerk Mr. Joseph Green therein.

I did not then suspect Mr. W. Edwards to be one of the accomplices. On the following day I received intimation through Mr. Shee that Mr. Edwards' Servant Daniel Lee could make a full discovery of all the circumstances relating to the Placard.

This of course led to repeated examinations of Daniel Lee, who after some hesitation stated, as appears to me without the least reserve, all he knew about the affair first extrajudicially and afterwards on the 9th and 10th inst. in judicio.

Although this man's evidence did not appear conclusive in the eyes of the Court of Justice, still the same bears the most striking marks of his veracity, and even the attempt which Mr. Edwards, after he became acquainted with the nature of his evidence, has made to subject him to the charge of perjury has been the means of proving the truth of what he stated in his answer to art. 32 of his interrogatories of the 9th ultimo.

However unfavourable my opinion respecting Mr. Edwards' character might be I hardly could imagine him guilty of such a heinous crime until by the evidence of Daniel Lee, and by a retrospect upon Mr. Edwards' own conduct, I was convinced that the heaviest weight of my suspicion must unavoidably fall on him.

His vindictive spirit must naturally have prompted him, after the pronunciation of the Sentence for his transportation to New South Wales passed in the full Court on the 28th May last, to suggest to his associates the idea of publishing the Placard. Still however as he well knew this renewed attack upon your Excellency would destroy all his prospects for obtaining mitigation or remission of his punishment, he soon had occasion to repent of what he had done, and to throw the weight of the suspicion as far away from his own shoulders as he could. On the 1st ultimo, the day on which the Placard became a matter of notoriety in this Town, he received from me a notification communicating to him a letter written by Major Colebrooke, which apparently revived his hope of obtaining mitigation of his punishment. It was too late to retract the Placard, and thus it became imperative on him to dissemble and to use all means in his power to show his utter detestation of the act of publishing such a libel, and thereby to gain your Excellency's good opinion. Hence his letter of the 2nd ultimo to the chairman of the Commercial Committee, his subsequent endeavours to throw the Suspicion on Mr. Joseph Green, his unasked for humble apologies &c. It is also remarkable that altho' on the 2nd ultimo nothing but the inward conviction of guilt could justify his fear of being suspected to have a hand in the publication of the Placard, his letter of that date to the chairman of the Commercial Committee wherein he declared his abhorrence of the act and disclaimed his authorship was written under the impression that he was suspected to be the author, which is proved by the evidence of Mr. J. Robertson, who moreover contradicted Edwards' statement in his said letter, that he wrote the same *without the least consultation.*

Many more remarks may be made not only with regard to Edwards' case but also to the cases of the three accomplices Greig, Burnett, and Wilmot, whereof the two first mentioned according to D. Lee's evidence are guilty in the same degree as

Edwards, but as it is not my intention to comment upon the subject, I only did allow myself this very short excursion, thereby to fortify your Excellency's belief in the veracity of Daniel Lee, for as the truth of his statement is proved in one or two respects this will corroborate his evidence in all other respects whereof no collateral proof can be obtained.

I cannot conclude this letter without mentioning that Mr. B. Wilmot, who in the evidence of Daniel Lee was charged to have been employed in posting the infamous Placard, has after his release, which the Court of Justice was pleased to decree on the 14th ultimo, made application to the Court and to myself for the examination of Wm. Edwards and Geo. Greig as also other persons as witnesses, in order to be examined in Court, thereby to establish his own innocence and the charge of perjury against Daniel Lee, and that though with regard to Messrs. Edwards and Greig his request could not be complied with, they being involved in the same charge with himself, the other witnesses thus named by him as also two witnesses named by Wm. Edwards with the same intention have been successively examined by me, the consequence whereof has been the same as of my former examinations which were terminated by the Court's Decree of the 14th ultimo, as will more fully appear to your Excellency from the annexed translation of the Court's Decree of the 5th inst.

It may be proper for me to add that if any proof were wanting to impress my mind with a conviction of the veracity of D. Lee's evidence, it is supplied by the treatment he received at the house of John Ingram, after his release from the gaol, when delivered over to him in consequence of his having brought him from Ireland, although he had been made over to Wm. Edwards by Ingram himself and had lived with Edwards as his servant during three months. Daniel Lee was on that occasion so brutally beaten at Ingram's house, as to render it necessary for me to take him under my protection and place him in the Hospital.

The records of my continued enquiries I will do myself the honor to forward to your Excellency as soon as I shall have received them back from the Secretary's Office of the Court of Justice where they now remain. I have &c.

(Signed) D. Denyssen.

[Enclosure 1 in the above.]

Assistant Messenger W. Mills.—You are in my name to repair in the presence of Mr. William Edwards at present confined in the Public Prison of the Town and to show him the enclosed letter from Major W. M. G. Colebrooke, one of His Majesty's Commissioners of Enquiry, in order after his perusal of the same to be returned to me together with your Official report of your having complied with these my directions.

Fiscal's Office, the 1st June, 1824.

(Signed) D. DENYSSEN, Fiscal.

[Enclosure 2 in the above.]

CAPE TOWN, *May* 31*st* 1824.

SIR,—As the letter to your address from Mr. William Edwards which you did me the honor of communicating to me would appear to have originated in a remark made to him by me that I did not believe that the offensive expression he complained of had been used at the Governor's Table, I am induced to inform you that I was led to make the remark from having heard it observed by an Officer of His Excellency's Staff, that the Gentleman to whom Mr. Edwards imputed the obnoxious expression had not dined at the Government House for some time previously to that of the supposed occurrence.

I have &c.

(Signed) W. M. G. COLEBROOKE.

To D. Denyssen, Esqre., H. M. Fiscal.

[Enclosure 3 in the above.]

I hereby certify that I gave this Document into the hand of Mr. W. Edwards for his perusal in the Town Prison, and in my Presence he wrote the answer under.

(Signed) W. MILLS, Assistant Messenger.

Cape Town, June 1st 1824.

SIR,—I can't express the satisfaction I feel in having reason to doubt the correctness of my former information, and if any gentleman of His Excellency's Staff will write the same to H. M. Fiscal, I am then willing to make a becoming apology to the Governor before I leave the Colony. I am &c.

(Signed) W. EDWARDS.

To D. Denyssen, Esqre., H. M. Fiscal.

[Enclosure 4 in the above.]

CAPE TOWN, 8 *a.m. June* 3, 1824.

SIR,—Altho' I can't suppose you will think so meanly of me as to believe that I would occupy myself in writing indecent or infamous anonymous papers, yet understanding there are some weak persons (who do not know me) that imagine I have a knowledge of them I take the liberty of sending you a copy of a letter I wrote last night to Mr. Twycross, every word of which I am willing to vouch on my solemn oath. I have &c.

(Signed) W. EDWARDS.

To D. Denyssen, Esqre., H. M. Fiscal.

[Enclosure 5 in the above.]

TRONK, 10 *o'clock at night, 2nd June* 1824.

DEAR SIR,—As you are the only Gentleman of the Committee of the Commercial Hall to whom I have the honor of being known, I presume on our trifling acquaintance to address myself to you.

Being this afternoon informed of the disgusting placard which has roused the indignation of all Members of the Colonial Society, and most praiseworthily of the Commercial body, I took some hours' uninterrupted conversation to form any opinion before I resolved how to act; this convinced me that the odious placard emanates from some one who wishes to bring the press and the public feeling of this Colony into disrepute, or with a monster whom it would be impossible to describe. In the one case it will destroy its authors, in the other its objects, by making its supporters contemptible and

infamous, and should this latter be the case I shall forget the insults and the injuries I have received, I will forgive them, and regretting I ever did it never again employ my pen or my tongue on the affairs of the Cape of Good Hope.

A regard for my own character makes me feel it necessary to beg you will assure your Brother Merchants that in the course of my life I never wrote one anonymous paper (save occasionally a harmless song), and on my honor I am ignorant of the writer of every anonymous placard published since I have been in the Colony.

As I would not be supposed capable of acting with men who would stab another in the dark, I write this letter without the least consultation with anyone, and I shall now proceed to Botany Bay and leave this place without regret, altho' there is one person whom I suspect as the writer of that infamous paper, a suspicion which will not be removed until the detection of the miscreant shews me I am wrong. I have &c.

(Signed) W. EDWARDS.

To Stephen Twycross, Esqre.

[Enclosure 6 in the above.]

CAPE TOWN, 4 *June* 1824.

SIR,—I had so little time to consider your paper of the 1st instant accompanied by Major Colebrooke's letter of the 31 ultimo, as not to reflect that altho' his communication was made by a gentleman not connected with the Colonial administration, it bore sufficient evidence of an official character to satisfy my feelings as to the application of the most odious epithet in the English language having been applied to me. I therefore request you will inform His Excellency the Governor, that in a day or two I will write him such an apology as he can receive and I ought to make. I would have done it yesterday or now, but being lately very unwell I am unable to write much.

I have &c.

(Signed) W. EDWARDS.

To D. Denyssen, Esqre., H. M. Fiscal.

[Enclosure 7 in the above.]

CAPE TOWN, *4th June* 1824.

SIR,—I did what I promised you yesterday I would, and now beg leave to suggest, that Mr. Geo. Greig be summoned by the Fiscal and be examined before Commissioners of the Court of Justice on the following questions *only :*

1. Did you hear it said that in the morning of the 1st instant a paper was stuck up somewhere in or about the Heerengragt in which Lord Charles Somerset is mentioned, and his Lordship insinuated to have committed any foul act ?

2. By whom did you hear it said ?

3. Who was the first who told it you ?

4. What was it stated to you to be or to have been the tenor or purport of that Paper ? If Mr. Greig replies in the negative to the first Query, no further question ought to be put to him.

When Mr. Greig is in Court, let then his Clerk be summoned as aforesaid, and be requested to enter one of the rooms of the Fiscal's Office, so that Mr. Greig does not or cannot observe him, let his Clerk (whose name I forget) be examined on the same questions, as also on the following :

5. Did you read the Paper alluded to ?

6. Did you hear the reading of it by another ?

7. Did you communicate the purport of that Paper to any other person or persons, and if so to whom ?

When this man is gone, let Mr. Edwards then be summoned and examined on the same questions as mentioned on the first page or Nos. 1 to 4 inclusive, and also on the following questions :

8. Did the person who called on you in person, and who mentioned the circumstances to you, seem to do you a service or give you any satisfaction by so communicating it to you ?

9. Have you any reason to suspect any person of being the author of the paper alluded to ?

10. What are your grounds for suspecting that person ?

I beg to repeat, that said persons must not be summoned in a manner that the one can know that the other was summoned, as this would put them at their guard.

To Dr. Barry.

This paper was delivered to me by Dr. Barry in the presence of Commissioner Bigge on Friday morning the 4th June 1824.

(Signed) D. DENYSSEN, Fiscal.

[Enclosure 8 in the above.]

Records held before W. BENTINCK, ESQRE., LL.D., *Sitting Commissioner of the Worshipful Court of Justice of this Government, on Friday the 4th June* 1824.

D. Denyssen, Esqre., His Majesty's Fiscal, having appeared before the sitting Commissioner aforesaid, stated that he in regard to a libel containing slanderous assertions tending to defame the character of His Excellency the Governor and Commander-in-Chief Lord Charles Henry Somerset, feels himself in duty bound to collect the necessary preliminary informations, and requests that the depositions of the following persons may be taken.

Which request being granted, the following persons were examined:

1. Thomas Kift Deane, who after having been made acquainted with the reason of his appearance and having made oath to state the truth, declared to be 34 years of age, born in Ireland, and deposed through the interpretation of the translator A. G. Muller as follows:

In the morning of the 1st June about sunrise having got up and opened the window of the upper corner room, I saw two slave boys with baskets in their hands and a person with a grey cloak on, looking at the post of the Bridge. I heard then either the words * * * * on which I dressed myself and went downstairs for the purpose of ascertaining whether any Placard had been posted at the post of the sluice or Bridge, but found nothing but 4 or 5 wafers on it; I thereupon returned to my bedroom and did not come down till 9 o'clock, and about half past 9 o'clock I met Captain Findlay, who having been asked by me whether there was any news, communicated to me the contents of a Libel which was placarded at the post of the Bridge, and which he had seen and read.

Questions put to witness by His Majesty's Fiscal:

Was the person you saw on horseback?

Reply. No, he was on foot, he went across the parade in a direction towards the Barracks, but coming under the trees I lost sight of him.

Give as accurate a description as possible of that person?

Reply. The person was a little taller than I am, having on as it appeared to me a grey coat or surtout, and wore a black hat.

Did you see anything in his hands?

Reply. No, I saw nothing in his hands.

Stated further: it appeared to me that the person's hat was taller than the Bridge or sluice, from which I conjectured that he must have been taller than I am.

Did you observe that the person was busy reading?

Reply. The person stood in such a position that it was not possible to see his face. This I wish to add, that I had no idea of the contents of this shameful libel before Captain Findlay acquainted me therewith.

How much time did elapse between the moment you saw the person on the Bridge and the time you came down to learn what this person was looking at?

Reply. I did not look at my watch, and can therefore not exactly say, but to my calculation 5 or 6 minutes must have elapsed.

Did you mention what you saw or heard that morning to anybody before you saw Captain Findlay?

Reply. No, I did not mention a single word to anybody.

When Captain Findlay mentioned to you the circumstances of the Libel, can you recollect the words he told you it contained?

Reply. He mentioned to me that the words were as follows: * * * * I do not recollect any more of it, and I also would not have recollected this had not my memory been refreshed in hearing the statement of Captain Findlay in the Fiscal's Office.

When you opened your window the first time did you observe Captain Findlay?

Reply. No, I did not see Captain Findlay nor anyone else till about 9 o'clock when returning from the Commercial Hall

and meeting Captain Findlay I addressed him as I stated before.

The above deposition being read to the Deponent he persisted in the same.

2. John Findlay, 46 years of age, born in Scotland, who having made oath deposed through the interpretation of the Translator A. G. Müller as follows :

On Tuesday the 1st June about 7 o'clock in the morning in coming on my stoep I saw a Libel fixed on the right side of the Bridge ; this having attracted my attention, I went to the spot to learn the contents of it. I saw two persons unknown to me standing there, the one black of complexion and the other yellow, being at the post of the Bridge, in looking at the Libel the yellow person, being a boy of about sixteen years of age, mentioned to me unasked that it was something about Lord Charles. I then examined that paper which I found to commence with the words " a person," and to have been nearly of the following contents : * * * *

The Fiscal hereupon produced a letter on which the exhibition of this day had been written, in which was inclosed a paper of the following contents, and on which the exhibition of this day has also been placed.

No. 2. F. I.

Question put by the Fiscal to the Deponent.

Whether he could discover any similarity between the enclosed paper and the Libel mentioned by him, and if so to state it ?

The deponent hereupon having examined the said paper, stated that in the word Public the letters P and U much resemble the same word appearing in the libel mentioned by me, as also in the word patronage the letter r.

2. Did you perceive any person in the vicinity of the place where the libel was posted after you left it ?

Reply. I saw several persons going towards the Butchers' Shambles, but did not perceive anybody taking notice of that paper.

3. Did you not see a person on horseback ?

Reply. Yes, I saw a person on a dark brown horse with a harness on it coming from Grave Street and galloping towards the south side of the Commercial Hall, when he continued his

road in a walk to the Bridge opposite the house of Mr. Cloete. I saw him cross the Bridge, and just when he had arrived and had turned towards the Government Gardens I was called into the house by a Servant to put on my Shoes, and then went into my room where I put on my shoes, and having done this I again went out of the house and looking towards the place where I had seen the paper I found that it had been taken off.

When you found that the paper was gone, did you suspect any person of having taken it ?

Reply. I did not see it taken off, but it struck me that the person on horseback might have done it. On which the person of George Jones, Coachman in the Service of Major Colebrooke, having been shown to deponent, he declared not to be able to tell whether he was the person alluded to, and stated further: I saw a boy leaning against the left post of the Bridge before the Commercial Hall, to whom I asked who had taken off the Placard, whether he knew the person who had passed there on horseback, to which he answered in the negative.

The deposition being read to Deponent, he persisted in his aforesaid declaration.

3. George Jones, 28 years of age, born in England, Coachman in the Service of Major Colebrooke, who after having been made acquainted with the reasons of his appearance, and being duly sworn, replied through the interpretation of the Translator A. G. Muller to the questions put to him by his Majesty's Fiscal as follows:

Did you in the morning of Tuesday the 1st instant pass the grand parade and the trees on the Heeregragt ?

Reply. Yes, from the corner of Grave Street to the corner of Castle Street.

2. At what hour in the morning did you pass that road ?

Reply. A few minutes after seven o'clock.

3. Give a description of the Horse you rode on ?

Reply. It was a dark Chestnut Horse with a switch tail.

4. What harness had it on ?

Reply. The horse had a gig harness on.

5. What road did you turn in when you came to the corner of Castle Street ?

Reply. I went down as far as the pump with an intention

to bring the horse to the stable in the House of Mr. Stoll, but finding that I had not the key of the Stable with me I turned back and rode home across the Heeregragt.

6. Did you in your way to the Heeregragt see a paper posted on one of the posts of the Bridge opposite Hout Street ?

Reply. I saw no paper.

7. Did you see some persons on the Bridge ?

Reply. I did not take any notice of it.

4. George Greig, of a competent age, born in England, who having been made acquainted with the reason of his appearance and having made Oath, replied through the interpretation of the Sworn Translator A. G. Muller to the following queries put to him by His Majesty's Fiscal as follows :

1. Whether the deponent was informed in the morning of the 1st Instant that a paper had been placarded somewhere near the Heeregragt, in which the name of Lord Charles was mentioned ?

Reply. Yes.

2. From whom did you hear this ?

Reply. From my Clerk who told me that a Subscription had been opened at the Commercial Hall to discover the person who was the author of the Libel, as also that a proclamation to that effect had been proclaimed at the Stadhouse.

3. Was he the first who mentioned to you the Circumstance ?

Reply. No, I heard the evening before that such a paper had been posted, I cannot exactly say who the person was that told me this, 4 or 5 persons happened to be at my house and one of them mentioned it to me, but I cannot tell who the person was.

4. Can you recollect the Contents of that paper ?

Reply. I heard superficially that it contained * * * *

5. Joseph Green, Clerk of George Greig, of a Competent age, born in England, who after having made Oath, replied through the interpretation of the Translator A. G. Muller to the Queries put to him by His Majesty's Fiscal as follows :

1. Did you hear it mentioned that on the 1st Instant a paper was posted on or about the Heeregragt containing foul slander against Lord Charles Somerset ?

Reply. I heard it mentioned that such a paper had been posted, without being able to state the date when. A person

in the Government Printing Office, named Van der Sande, told me that a Proclamation had been issued offering a reward to anyone who could discover the person who had posted the paper in question.

2. Was Van der Sande the first person who spoke to you about it ?

Reply. Yes, he was the first person who mentioned it to me, he met me in the passage near the Post Office.

3. Did that person tell you what the Contents of it were ?

Reply. He told me that the paper contained * * * *

4. Did you see that Paper yourself ?

Reply. Van der Sande told me that the Placard was posted not far from Dr. Barry's house. I thereupon went to read it, but found that it had been taken away (stated further): I expected to see it on one of the walls in the street, but did not find it.

5. How late was it when Van der Sande met you at the Post Office ?

Reply. It was about half-past nine o'clock.

6. On what day was it that he met you there ?

Reply. It was the day before yesterday; for I did not go out yesterday, and it was the last day I had been out.

7. Did Van der Sande tell you that he saw the Placard posted ?

Reply. No, he did not tell me this, he only told me that such a paper had been posted, and that they were busy printing a Proclamation by which a reward was held out to those who would lead to the discovery.

Did you mention these informations to anyone else ?

Reply. Yes, I mentioned it to Mr. Greig. I asked him whether he had heard that a Placard had been posted against the Governor, and he answered me in the negative.

The Sitting Commissioner hereupon, at the request and information of H. M. Fiscal that the Prisoner William Edwards, whose evidence he considered of importance in this case, could not appear in Court in consequence of indisposition, proceeded to the Town prison, when the Prisoner

6. William Edwards was brought before his Worship, who after having been made acquainted with the reasons of his appearance and having promised to depose the truth, the

whole truth and nothing but the truth, replied, through the interpretation of the Translator A. G. Muller to the following queries put to him by His Majesty's Fiscal:

1. Did you hear of a certain paper having been posted on the 1st Instant on or about the Heeregragt tending to calumniate His Excellency Lord Charles * * *

Reply. I was informed on the 2nd Instant that such a paper had been posted, but I do not recollect whether I was told where it had been posted.

Do you recollect what that paper was said to contain, if so, state it ?

Reply. The foregoing questions having been put to the Prisoner, His Majesty's Fiscal requested that the reply thereto should be taken down verbatim, which being granted the prisoner's statement was as follows:

On the morning some time in the forenoon of the day before yesterday, the second Instant, a young man of the name of Green, a clerk to G. Greig, came to my room, in which I was seated with Mr. Thwaits the Brewer, conversing as to some transactions of Mr. Richardson, I went out with him walking on the Veranda, when he said we have a fine thing to do; somebody has put up a Placard, * * * * The Government are making a great stir, and have offered in a Proclamation a large reward for any person that will tell who did it. I expressed my disapprobation of such things, and asked him if he had any business with me; he replied that he called upon me for an account against Mr. Richardson, but when I enquired for it, he had it not. This saying to me that he came for the payment of an account which he had against Mr. Richardson, and not having the account in his possession, made me, when I afterwards considered the business, suspect, that that was merely pretence. I then took him to Mr. Thwaits and informed Mr. Thwaits of the purpose of this man's visit, and in Mr. Thwaits' presence told him that in future the duty of liquidating Mr. Richardson's account would devolve on Mr. Thwaits; and if that account was correct it would be paid at the Brewery, but stated that a few weeks ago I paid on account of Mr. Richardson forty two Rixdollars; he mentioned the subject of the Placard and the uneasiness it seems to give the Government in a sort of triumph, which I have often used

myself upon any project of my own having succeeded, and in the way which makes me suspect that he has some knowledge of it and was gratified. Yesterday Mr. Hoffman called upon me and said that Dr. Barry had stated that I had written a letter to the Fiscal, but that he believed that that Placard had not been published by me, but by some person who was aware that he would remain unsuspected. I wish it to be added that I never at any period of my life wrote any anonymous placard, nor was ever privy to the publishing of any.

W. Edwards hereupon not only declared to be willing and ready to testify the truth of his deposition with a solemn oath, but manifested a fervent wish to be Sworn, which the Commissioner informed him should be done when it was found necessary.

At the Cape of Good Hope, day and year above written.

(Signed) W. BENTINCK.

[Enclosure 9 in the above.]

6 *June* 1824.

SIR,—From the manner of your searching my papers and the imprisonment of my Steward I begin to feel I am suspected of some shameful action and as I never did anything I could not justify, I beg my letter to the Governor claiming a removal of this restraint may not be answered for the present, as until I have washed out the very suspicion of a base assassin-like act I shall be unwilling to shew my face to my Mother and my Children or any friend and fit only to associate with the worst felons of New Holland.

I have some other papers in Cape Town, which have not been in my possession for 10 days. If you wish to see them I'll go with you in the evening to do so, as I should not like to go out in the day, you may send the 3 Sheriffs to accompany me for Security, I am so anxious to be clear of disgrace that I will willingly be secured between them. I have &c.

(Signed) W. EDWARDS.

To D. DENYSSEN, ESQRE., His Majesty's Fiscal.

[Enclosure 10 in the above.]

CAPE TOWN, *6th June* 1824.

SIR,—I have it in command from His Excellency the Governor to acknowledge his receipt of your letter of yesterday's date, stating that there is some suspicion of the infamous placard which was posted on Tuesday last being in the possession of Daniel Lee, Servant of Mr. Wm. Edwards, therefore requesting His Excellency's warrant for searching the house in which the said Lee lives as well as any other House with which he stands connected, and I am to convey to you His Excellency's authority for the proposed search accordingly.

I have &c.

(Signed) P. G. BRINK.

To D. DENYSSEN, ESQRE., His Majesty's Fiscal.

[Enclosure 11 in the above.]

On the 7th June 1824 at five o'clock in the afternoon, the Member W. Hiddingh, Esqre., L.L.D., together with me the undersigned Secretary to the Worshipful the Court of Justice of the Colony the Cape of Good Hope and its dependencies, have at the requisition and in Company with His Majesty's Fiscal Daniel Denyssen Esquire, L.L.D., upon the production of a written order from His Excellency Lord Charles Henry Somerset, Governor and Commander in Chief in this Colony, provided with a mandate from His Honor the Chief Justice Sir J. A. Truter, L.L.D., Knight, bearing date the 6th Instant, to assist H.M. Fiscal D. Denyssen Esqre. in the execution of the aforesaid order, as also of a further order from His Excellency and a further mandate to some member of this Court, both of this day's date; Proceeded to a House on the corner of Short Market Street and Long Street, inhabited by P. Lucas, where an individual of the name of Bishop Burnett lodges.

On entering the premises, the Commission was informed by the said P. Lucas that B. Burnett was not at home, and that his room, the key of which he had taken with him, was locked, offering at the same time to go out forthwith in search of Burnett; which offer having been accepted, the said Lucas

left the House and soon after returned with B. Burnett, who was accompanied by two Individuals, Dr. Roberts and J. Barker.

The three aforesaid Persons were at the request of B. Burnett admitted into the room, where Commissioners on their arrival had been ushered, being a Parlour on the right-hand side from the entrance, in order according to B. Burnett's declaration to assist as Witnesses to what should pass.

His Majesty's Fiscal D. Denyssen Esquire then communicated to B. Burnett the object of the commission and at the same time read the contents of the order, constituting the authority, of the Commission as follows :

[See letter from Mr. P. G. Brink on page 80.]

The commissioned Member from the Worshipful the Court of Justice holding session for the despatch of criminal cases or in case of occupation of said Member, one of the other members is hereby requested to grant the necessary assistance to His Majesty's Fiscal for the above-mentioned purpose.

(Signed) J. A. TRUTER.

Weltevreden, the 6th June 1824.

3¼ P.M.

Fiat. Search in the dwellings of D. Lee, Bishop Burnett and George Greig.

Cape Town the 7th June 1824.

(Signed) CHARLES HENRY SOMERSET.

One of the Members of the Court of Justice is requested to grant to His Majesty's Fiscal Daniel Denyssen Esqre. the necessary assistance in the execution of the above Warrant bearing date the 7th June 1824.

(Signed) W. HIDDINGH.

Cape Town, 7th June 1824.

When the said B. Burnett first made some objections against admitting the Commission to search his papers, but soon

acquiesced and conducted the Commission to an upper Room which he stated to be his only residence.

Here the Commission in the presence of B. Burnett and of the three before-mentioned persons, Lucas, Roberts and Barker (Burnett however not remaining to the end) properly searched all the Papers, without discovering anything in the least connected with the defamatory writing in question.

Thus passed in the year, on the day and at the hour and Place aforesaid.

In my presence.

(Signed) D. F. BERRANGÉ, Secretary.

[Enclosure 12 in the above.]

On this day the 7th June 1824 at half past five in the afternoon.

The commissioned Member from the Worshipful the Court of Justice of this Government P. J. Truter Esquire, together with me the undersigned, at the requisition of His Majesty's Fiscal and accompanied by the Deputy Fiscal J. J. Lind Esquire L.L.D., after that His Majesty's Fiscal had exhibited a Warrant from His Excellency the Governor and Commander in Chief and a consequent order from W. Hiddingh Esqre. L.L.D., granted in the absence of His Honor the Chief Justice ; has proceeded to the House occupied by George Greig situate in Long Market Street in order to search for certain defamatory writing against His Excellency the Governor and Commander in Chief alluded to in the Proclamation of the 1st instant, or of such other document as might be connected therewith, since according to informations received by the R.O. applicant the aforesaid G. Greig was supposed to have seen the defamatory Placard previous to its affixion, and to have in some degree assisted therein.

The Contents of which Warrant from His Excellency the Governor and of the order granted in consequence by the Senior Member W. Hiddingh Esquire were as follows :

[The same as on page 81.]

The Commission having arrived at the aforesaid house, the Clerk of the said Greig, named Joseph Green, communicated

to the Commission that the said Greig was not at home, and that he had taken the key of his Office with him.

Shortly after, however, the said Greig returned home, and being informed of the object of the Commission, he declared himself ready and willing to allow his papers to be examined, and then conducted the Commission to an upper room, which he stated to be his office, situate on the right hand side from the staircase, which having been opened by said Greig with the key which he had about him, the commission found on the right-hand on entering the room a writing Desk with Drawers and a case with shelves placed on the Desk, containing private papers and letters of said Greig; further two other Shelves with Books and Papers, which together with the other parts of the Room having been strictly searched, nothing has been found therein of the nature of a defamatory writing against His Excellency Lord Charles Henry Somerset and Dr. Barry, nor against any other person who could be supposed to be connected therewith.

In one of the drawers of the writing Desk however a scrap of paper was found, which the Deputy Fiscal aforesaid has seized, after the said Greig had taken a Copy thereof, which paper contains the following words:

"The press with the chains just broken asunder and lightning issuing from it. The Lord, Fiscal &c. driven in confusion through the vault of Heaven."

The commission having further proceeded to the lower part of the House, where the said Greig keeps a retail shop, a writing Desk there containing papers was also searched, but nothing found, of which one and other these minutes are taken.

At the Cape of Good Hope die et anno ut supra.

Quod attestor.

(Signed) J. T. JURGENS.

Minutes taken and continued before W. Bentinck Esqre. L.L.D., Commissioned member from the Worshipful the Court of Justice of this Government, concerning certain defamatory writing against His Excellency Lord Charles Henry Somerset alluded to in the Proclamation of the 1st Instant.

On Tuesday, the 8th of June 1824. Appeared before the aforesaid Commissioner the Deputy Fiscal J. J. Lind Esquire L.L.D., with the under following witnesses :

Anthony Alldridge, aged 17 years, born in England, apprentice in the service of the Cooper Martins, who after having been sworn, deposeth :

On Friday morning last about half past seven o'clock I went to the shambles, and on my returning I came towards the Bridge opposite the Commercial Hall and saw a paper stuck up on the cross piece of the bridge, and which paper was read by some people who I do not know, and which paper was taken off by the clerk of Mr. Findlay, whose name I do not know.

The Deputy Fiscal asks the appearer : Did you read the paper ?

Reply. No.

Did not any of the persons standing by tell you the contents of it ?

Reply. No.

Give a description of the Paper ?

Reply. It is about a quarter of a sheet, and the letters were a kind of printing Letters, the paper was white and put up with wafers.

Archibald Shaw Robertson, aged 23 years, born in Scotland, who having been sworn, deposeth :

To the best of my recollection ten days ago I saw a Placard stuck up on the bridge crossing from Hout Street to the Commercial Hall, respecting Dr. Lys and Mrs. Usher. I pulled the paper down from a persuasion it was very improper to be there, which Placard I have laid into Mr. Findlay's bedroom, and which was afterwards destroyed by Mrs. Findlay in the fire ; and in the course of that day I was informed in conversation that a like Placard was taken down by one of the Servants of Dr. Lys or Mr. Usher. On the day the Placard was posted up respecting Lord Charles Henry Somerset, a young Man who is employed in the Printing Office came to me, and asked whether I have seen the Placard or have a Copy of it, and I told him that I neither have seen nor had a Copy of it.

The Deputy Fiscal asks the Appearer :

Have you been present when Mrs. Findlay destroyed the Placard respecting Dr. Lys ?

Reply. No. Mrs. Findlay told me so.

At what o'clock in the day was the Placard taken down by you ?

Reply. Between Seven and Eight o'clock in the morning.

State the contents of that Placard ?

Reply. The beginning is Dr. Lys and Mrs. Usher have joined their concern together, beg to inform their Friends and the Public that they can accommodate them well, and the conclusion was uniting good cooking and Medical aid or words to that effect.

Have you heard the contents of the Placard against Lord Charles from Mr. Findlay ?

Reply. Mr. Findlay told me something of it in confidence, but I can't remember the contents.

Did you mention to the young man belonging to the Printing Office that the Placard was taken off by a man on Horseback ?

Reply. I do not remember, I might have mentioned that it was supposed that the Placard might have been taken off by a man on Horseback, and this was in consequence of a supposition that it might have been taken off by a man on Horseback and which supposition was intimated to me by Mr. Findlay and others.

3. Bernardus Josephus van der Sandt, aged 25 years, born in this Colony, compositor in the Government Printing Office, who after having been sworn, deposeth, in answer to the Queries put to him.

To exhibit to the Witness a Memorandum kept by His Majesty's Fiscal of the following tenour.

4th June 1824.

Bernardus Josephus van der Sandt having been summoned to depose what has come to his knowledge regarding the libellous writing which had been affixed on the 1st Instant on the bridge opposite Hout Street, says that having been sent for in the evening of Tuesday the 1st Instant, to come to the Printing Office to compose a Proclamation, there heard for the first time that a libel had been affixed of the nature stated in the draft of the Proclamation, that at the time, William Bridekirk Junior or Thomas Hammond told him that perhaps

Captain Findlay might have read the libel or heard of its contents, since it had been affixed to the corner of Hout Street, that upon hearing this and in hope of being led to discoveries which might enable him to claim the reward offered, he had gone the same evening to the house of Captain Findlay, and there spoke to the Clerk Robertson, whom he asked if he did not know who was in possession of the libel, or who had torn it off, to which this Clerk replied that a man on horseback, who appeared to him to be a livery man, had torn it off; that having returned to the Printing Office, he had communicated to the persons there the result of his inquiry, without having on that day anything further heard or spoken about the libel.

That on the following day at half past nine, he repaired to the Printing Office, and then for the first time heard what the tenour of the libel was said to be. * * * That this was told him either by Mr. Bridekirk or Mr. Hammond, he thinks by the first mentioned, recollecting now that Mr. Hammond told him afterwards in the Office, that Dr. Barry was said to have cried at Saunders, in consequence of the injury done to him.

Van der Sandt further deposeth that after having become acquainted with the nature of the libel, he has to no one spoken about it excepting to Mr. J. G. Stegman, to whom without mentioning what it contained he in the afternoon merely said that it was a shameful thing to write such a falsehood.

Have you spoken on the subject of the libel to anyone belonging to Mr. Greig ?

Reply. I have spoken to his Clerk, Mr. Green, on Wednesday morning, when he met me near the Post Office under the staircase with a Proclamation or some other paper in his hand, on which occasion he enquired of me respecting the Proclamation that had been affixed, *What is that Proclamation sticking on there for?* or *what is that Proclamation about?* when I answered that it was about a libel on the Governor and Dr. Barry. We then went on speaking about the ships which had arrived, and separated. Mr. Green as far as I can recollect offered no remark on the subject of the libel.

How late was it, when Mr. Green met you ?

Reply. I recollect that I was on my way to Tier, who was in his office; I had been some hours in the Printing Office

when I went thither, and I therefore suppose that it must have been in the forenoon near 12 o'clock.

Have you spoken to no one else on the subject besides the persons mentioned by you ?

Reply. No, with no one that I can recollect.

The foregoing Deposition was taken by me the undersigned from B. J. van der Sandt on Friday the 4th June 1824, in the evening between 6½ and 7 o'clock, in my house in Strand Street.

(Signed) DANIEL DENYSSEN, Fiscal.

And to ask him, if that deposition contains the truth.

On the Production of which Memorandum, he says that it contains the truth, adding the following circumstances :

After I had spoken on the said evening to the Clerk of Mr. Findlay, I went to Mr. Usher, who lives two houses further on, whom I asked whether *he* did not know what had become of the Placard or who had it in his possession, to which he replied that he knew nothing of it, but that he believed that Captain Findlay should know about it, the Placard having been torn off before he Mr. Usher had got up that morning.

4. John Brumfield, aged 44 years, born in England, Clerk in the Service of Messrs. Aken and Monteath, who having been sworn, deposeth : I don't know anything about the Placard mentioned in the Proclamation of the 1st June last, I never have read it nor ever have seen a Copy of it, and the first of it was noticing the Proclamation before the door of these Offices.

5. Margaret Mahony, wife of Thomas Mahony, of competent age, in the service of Wm. Edwards, who after having been sworn, replied to the questions put to her in the manner following :

Don't you know anything of a Placard that was stuck up and mentioned in the Proclamation of the 1st of this month ?

Reply. No.

Previous to the Proclamation of the 1st of this month have you not heard of the Placard therein mentioned ?

Reply. No.

6. William Mills, of competent age, born in Scotland, Second Under-Sheriff, who after having been sworn, deposeth :

This morning on or about 9 o'clock I was ordered by Mr. Denyssen to go along with Mr. Brumfield who was at Mr. Denyssen's to His dwellings and to examine his papers if I could find anything resembling to a Placard, which I did without having found anything to that effect.

At the Cape of Good Hope die et anno ut supra.

(Signed) W. BENTINCK.

Minutes taken and continued before W. Bentinck Esquire, L.L.D., Commissioned Member of the Worshipful the Court of Justice of this Government, concerning certain defamatory writing against His Excellency Lord Charles Henry Somerset, alluded to in the Proclamation of the 1st instant.

On Wednesday the 9th June 1824.

Appeared before the aforesaid Commissioner, the Fiscal of this Government D. Denyssen L.L.D., with the hereundermentioned Witness, who having been sworn, answered the questions put to him, thro' the interpretation of the Sworn Translator H. Murphy, in the manner following:

Your name, age, and birthplace ?

Reply. *Daniel Lee*, upwards of 20 years of age, born in Ireland.

Whether he the Witness is not a Servant in the employ of William Edwards now a prisoner here ?

Reply. Yes, I have been his Servant for about three months.

Whether he is not well satisfied with the treatment he has received at the hands of his master William Edwards ?

Reply. Yes, I was quite satisfied.

Whether there ever existed any disagreement between him and his master William Edwards ?

Reply. No, never.

Whether anything has come to the knowledge of him, the Witness, about certain anonymous writing, defamatory of His Excellency Lord Charles Henry Somerset and Dr. Barry's characters ?

Reply. Yes, it has.

At what period the Witness first became acquainted with such a writing ?

Reply. The first time I heard of it was when Mr. Edwards was condemned the second time to transportation.

In what manner the Witness, then, became acquainted with it ?

Reply. I came here to the Trunk one night about eight o'clock with tea for my master, when I found him writing with Mr. Burnett.

Whether the Witness then knew what they were writing ?

Reply. I knew it was some verses about Government, but I did not know that night what it was.

At what period the Witness became further acquainted with it ?

Reply. The next morning I came down about nine o'clock with breakfast to my master, while I was putting the tea-things on the table, my master gave me a note and desired me to take it to Mr. Burnett at Mr. Lucas's, which I did, when I came to Mr. Lucas's, a man opened the door, to whom I gave the note, Mr. Burnett then came out of one of the Rooms below, and went up stairs, while I waited at the door for an answer. Mr. Burnett shortly after came down with a large bundle of papers wrapped up in another paper, but not sealed, desiring me to take particular care and not to let any of them drop ; but to deliver them safely to Mr. Edwards, which I accordingly did, Mr. Edwards then opened the papers and the first which he took out was the Placard concerning Lord Charles and Dr. Barry's wife, which when he read it, he laughed so loudly as to make me take particular notice of what he read.

What it was, that the Witness heard Mr. Edwards read ?

Reply. It was about that . . . . . .

What Mr. Edwards did with that paper after having received it ?

Reply. I went home with the breakfast things, and when I came back I found Mr. Greig with Mr. Edwards, and they were both employed reading the paper, Mr. Edwards then spoke to Mr. Greig about putting it up, but Mr. Greig said it was better to wait till his third sentence was passed, which Mr. Edwards then said was very good.

Whether the Witness, on that occasion, has seen any other papers in the bundle ?

Reply. I saw a paper with a Picture on it, of an ugly thick man with a long nose, on the top was written *The Wonderful Cape Punch*, and below there were some verses which I did not read, there was also another picture, which was not finished, in the Table drawer, which was the same picture but not so well drawn out. I saw also another paper in the Parcel about *Punch*, which looked like printed.

To produce to the Witness a libel, beginning with the words, *Wonderful Cape Punch ! ! !*, and to ask him, if this is the paper which he has seen ?

Reply. The one paper which had the Picture was written like the paper now shewn to me, (Printed Letters) the other paper contained writing in a usual manner, but besides there were many other papers which were sent out to different gentlemen in the Town, whom I do not know, and some of those gentlemen came to the Trunk and took some of the papers with them.

To shew to the Witness another libel beginning with the words " His Majesty's Fiscal," and to ask him whether such a paper was also in the bundle ?

Reply. This paper I think I brought from Mr. Greig's Clerk, whom I supposed had copied it in printed letters for Mr. Edwards, because when I once took a note from Mr. Edwards to Mr. Greig the Clerk opened it, and gave me for answer, the paper which Mr. Edwards has sent to be copied was not yet done.

What is the name of Mr. Greig's Clerk ?

Reply. Mr. Joseph Green.

Since the Witness in his answer to the 11th article has mentioned a conversation between Mr. Edwards and Mr. Greig, now to ask him, what was further spoken between them, besides what was related in his answer ?

Reply. Mr. Greig then went away, and I remained in the room doing one thing or another, which I do not now recollect, during which Mr. Burnett came in, and read the paper. Mr. Edwards then told him, what Mr. Greig had said about putting the paper up for the passengers, when Mr. Burnett said it was very right, but that it would be a good thing to send a Copy of it to Lady Charles in a letter.

If the Witness observed on that occasion, whether Mr. W.

Edwards and B. Burnett appeared to be on intimate terms together ?

Reply. Yes, as long as I have known Mr. Burnett, which is not very long, Mr. Edwards and Mr. Burnett always were holding together as two brothers.

Whether the Witness was usually allowed to be present at the conversations which took place between those Individuals ?

Reply. Generally in the evening after the papers had been read by Mr. Edwards and his friends I was present ; but sometimes when he used to have very private conversation with any of his friends, he used to tell me that I might leave the room.

Since the Witness enjoyed so great liberty in being allowed to hear the papers read, to ask him, whether he was never enjoined to keep secrecy ?

Reply. Mr. Burnett and Mr. Edwards told me never to speak of anything that I saw or heard there, and I said, no, that is no business of a servant to speak out of doors, but to mind his own business.

Whether William Edwards never spoke to the Witness about the necessity of looking out for some other employ, in case he Edwards was to depart from hence ?

Reply. No, but I spoke to him about it myself, and he told me, I need not to be afraid, for that he would take me to New South Wales, that Mr. Ingram owed him (Edwards) a large sum of money, which would more than clear my passage, and that nobody else could prevent my going with him.

Whether the injurious writing concerning Lord Charles and Doctor Barry was copied by Mr. Edwards or what he did with it ?

Reply. Mr. Edwards copied it, I saw him copy it, and different other gentlemen who came to see him in the evening copied it, but some of them took it away in the evening and brought it back again in the next morning.

If the Witness knows any of those persons ?

Reply. No, excepting that I have often seen Mr. Whitham there, who wears spectacles, and Mr. Whiston the Merchant, Mr. Thwaits also, the Brewer, used to see every paper that Mr. Edwards had ; Mr. Whitham always came in the day time, but several others, whom I don't know, came at night.

Do you know
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Edwards.
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been returne
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the paper be

If the Witness knows what became of the paper after he had returned it to Mr. Edwards?

Reply. I brought the paper to Mr. Edwards about 2 o'Clock, about 4 o'Clock Mr. Greig came, and I heard them speaking about putting it up; Mr. Greig then went away, but he came back at about 8 o'Clock, when they again spoke of putting it up, and both of them asked me to do it; I did not refuse, but it surprised me, as they never asked me to put any paper up before, but Mr. Greig then said, I was too low to put it up, as it might be torn down, on which they sent me to Castle Street for a man who lives there, whose name I don't know, although I heard [illegible] I know very well by sight, and also [illegible] lives. I found him there, and he came [illegible] with me. Mr. Greig, Mr. Edwards and he [illegible] which I did not hear, but I heard them [illegible] in the bridge in the passage leading [illegible] the Parade belonging to the Merchants [illegible] he should put it up, and they said [illegible] put it up any time before [illegible] then went away with the paper, and [illegible] I went home.

If the Witness [illegible] whom he states to be the individual [illegible] placard?

Reply. [illegible] Mr. Robertson, the Upholsterer. I [illegible] some friend of his, for I always have [illegible] Robertson's children. He is a tall man [illegible] a jacket and white trowsers with an [illegible] is all I know about him.

If the Witness has [illegible] day heard anything about the affixing and [illegible] placard?

Reply. The next [illegible] that it had been put up, it was the common [illegible] and I afterwards saw the Proclamation on the [illegible] offering a reward.

Have you received [illegible] from Mr. Edwards subsequent to the placard [illegible] put up by the tall man?

Reply. No, not that [illegible] Mr. Edwards often told me before, never to go near [illegible] paper that he caused to be put up because by so doing I might criminate myself.

To show to the Witness [illegible] paper beginning with the

words "*Offenders and Blacklegs,*" and to ask him, whether he knows anything about that paper ?

Reply. The day after the placard was taken down, I saw several people copying it from a card which was stuck up opposite Mr. Hoffman's House, and I copied it from another copy, that was copied by me of the man who was standing there. I brought my copy to Mr. Edwards, who scolded me very much for having done so, saying that if such a thing was found on me, I should be put in the Trunk and that I could not get out so easily as the people who put these things up.

What became of the Copy which he gave to Mr. Edwards ?

Reply. I never saw the Copy again which I gave to Mr. Edwards.

Whether the Witness, on the evening previous to his commitment, was not in company with R. O'Grady, and what passed between them ?

Reply. The day before I was apprehended I met R. O'Grady in the forenoon, and he asked me to come and take a bottle of wine with him in the evening and talk about our Sweethearts. I told him that I had no objection, and that I would if I could ; about the dusk of the evening I met him on the Heere Gragt, where he had watched me until I came from Mr. Edwards after dinner ; he then took me to a house near Barrack street of the Sign of the Sun, where he called for a bottle of old wine ; whether we had a second bottle, I don't know, I was very tipsy and he was just as bad. We had a good deal of conversation about our Sweethearts, and then he asked me if I knew anything about the Placard, for if I did know, I might be comfortable for life. I said I know about the Offenders and Blacklegs, and I then told him all about it, for I know it all by heart, and while I was telling him we both went to the next box to see if anybody was listening, and that was all that I recollect that passed between us.

Whether O'Grady conducted the Witness to some place where it had been affixed ?

Reply. Perhaps he might, but I don't recollect.

At the Cape of Good Hope die et anno ut supra.

(Signed) WALTER BENTINCK.

Records kept and continued by Walter Bentinck Esq., Commissioned Member of the Worshipful the Court of Justice of this Government.

On the subject of certain defamatory writings against His Excellency Lord Charles Henry Somerset, noticed in the Proclamation of the 1st June 1824.

On Thursday, the 10th June 1824.

His Majesty's Fiscal, D. Denyssen, Esq., having appeared before the said Commissioned Member, states that according to the description given on Yesterday by Daniel Lee of the person stated to have stuck up the libel in question, he discovered that person who is named Benjamin Wilmot, requesting that he may be called in, in order to be produced to said Lee, and then to put some questions to Lee, upon which they having been called in, His Majesty's Fiscal put the following queries to said Lee, after he had made Oath at the request of said Wilmot.

Whether this is the person mentioned in his Statement of yesterday to whom William Edwards had given the defamatory writing against Lord Charles Henry Somerset and Dr. Barry for the purpose of being stuck up by him ?

Reply. Upon the said Wilmot being produced to Daniel Lee, he said Yes, he is the man.

State the circumstances as they occurred when the libel was given to said Wilmot to be stuck up.

Reply. They were speaking about the placard of Lord Charles and little Dr. Barry's wife, and they asked me to put it up, and afterwards they have sent me up to call this young man at Mr. Robertson's, which I did, and I found him with a little child in his arms. He came down immediately after me, when he came into the Trunk the first thing he did was to shew the Picture about the wonderful Cape Punch which was not finished, to Mr. Edwards; and after that, they, Mr. Edwards and Mr. Greig, reached him the paper about Lord Charles and Dr. Barry's wife, and desired him to put it up on the place by the passage leading to a large house on the parade; there are two arches like a bridge on one, then he got the paper, and he asked them what time he should put it up, and they said it was no difference if it is only done before gun fire,

thereupon he went away, and I have not seen him any more.

The Prisoner says hereupon: I never have been in the Company with Mr. Greig and Mr. Edwards in the Trunk, and I never saw Mr. Greig in the Trunk; Lee stated of an unfinished picture about Copon, or I don't know what he said, I positively deny ever writing, seeing, sticking up, or in any the least possible manner to be concerned in any Placard and particularly that one, and I deny his Statement about sticking up the Placard. I should like to meet everything against me. One evening on my going to the Trunk to see Mr. Edwards, I saw Mr. Scott writing for Mr. Edwards. Mr. Edwards requested if I would take a Seat. I stayed a short time, and nothing particular passed, and I took my leave. I had some transactions with Mr. Scott a few months ago, when he lived at Algoa Bay, it was thus, whilst Mr. Holder was conducting the business of Scott, as I then understood was Aken and Monteath's business, I purchased half a pipe of brandy, paid a part, and gave a Bill for the remainder; being confined in my bed, I sent my waggon with a Hottentot and a young English Boy with a letter directed to Mr. Holder, sealed, with two Sovereigns, a Bill of Sixty Rixdollars drawn by Mr. Carlisle upon Mr. Agilbie at Graham's Town, thirty Dollars Cash, and Hides to the value of 37 Rds. I placed the letter, Cash and the value in a small bag, and tied it round the Boy's neck, and desired him to deliver it to Mr. Holder; the boy, by mistake (not being able to read) gave it into the hands of Mr. Scott, who kept the goods with the value, and it was with difficulty that he could obtain from him meat and bread for his support to Graham's Town. The purport of the letter was, that Mr. Holder should discharge the balance of my account with Messrs. Aken and Monteath, and send me up bread and flour with my waggon, for I was very much in distress for that. Mr. Holder hearing that Mr. Scott had kept the contents of the letter, wrote me a note, and made me acquainted that Mr. Scott's affairs were very much deranged, and requested I should pay immediate attention to it if I expected to get my money back. I immediately wrote to Captain Evatt at Algoa Bay, to request he would prevent Mr. Scott leaving the place, if any such application should be made; shortly after I went

down to the Bay myself, and applied to the Captain for his advice. Mr. Wilford at the bay was present, and the Captain drew up a Statement of an account and advised an arrangement. I saw afterwards Mr. Scott at his Store, and requested an arrangement, being decided to have it settled; he made an arrangement himself, by which I was to have my hides, though damaged, returned, balance due to Aken and Monteath set off, and to receive from him my own and Mr. Carlisle's Bills and the half aum Brandy, which Brandy, on my calling for it, appeared to be nearly empty. I refused to take it, and demanded back my own Bill of Rds. 35, which I had given to him on the adjustment of our accounts, but it was in fact for the half aum of Brandy, this he refused, and I afterwards gave notice to the sequestrator that I would never pay that Bill of Rds. 35; as it was obtained from me in a surreptitious manner, and referred him for the truth of it to Captain Evatt and the whole neighbourhood; this was the indictment of my making Mr. Edwards acquainted of Mr. Scott's character, he said, never mind, I have received a letter from Scott this morning who had thrown up his services as Mr. Edwards' clerk, because, as he said, I was on familiar terms with Mr. Edwards, and making a reflection in general terms on my character. I observed to Mr. Edwards his leaving was a great loss to him, as he had so much writing to do, and as I had been the means of that loss unintentionally, if he had anything to copy I would do it for him, and I went to him to the Trunk, and copied there a part of his late trial. I had letters to write to Graham's Town, which I did on a Friday, and did not go that morning. On the same afternoon Mr. Robertson called on Mr. Edwards, who asked him if I was affronted that I did not continue, this Mr. Robertson made me acquainted with. I replied I was not offended, and I would go the next morning; on Saturday morning I saw an Advertisement, notifying that Mr. Hayward was appointed a Commissioner to adjust the claims of British Settlers, and I sat down and wrote a claim and representation of myself and brother. On the morning I had an interview with Mr. Hayward on my claim. One Evening Mr. Robertson told me that Mr. Scott was again writing for Mr. Edwards, I have not seen Mr. Edwards since. I think, when I wrote for Mr. Edwards it was on a Tuesday,

after I had written a draught for that claim, therefore when I saw Mr. Edwards the last time it must be a week after the Commissioner was appointed. This claim which I showed to Mr. Edwards was written in a Book. Mr. Nourse, Captain Evatt, Major Cloete, Dr. Leeson, deceased, had letters of Introduction for me from England. Mr. Philips, Captain Campbell, Mr. Bisset, Mr. Currie, Mr. Fournier, Mr. Robertson, can speak all as to my character and honor. The Landdrost of Albany, His Majesty's Commissioner of Inquiry, Mr. Austin, Mr. Thornhill, Mr. Bowker, can further testify as to my character also.

At the Cape of Good Hope, die et anno ut Supra.

(Signed) WALTER BENTINCK.

Extracted from the Resolutions taken by His Honour the Chief Justice, Sir Johannes Andreas Truter, Knight, LL.D., and the Members of the Worshipful the Court of Justice of the Settlement of the Cape of Good Hope and of the Territories and Dependencies thereof, on Thursday, the 10th June 1824.

His Honour the Chief Justice, Sir J. A. Truter, Knight, exhibits in Court a letter received by His Honour from the Prisoner W. Edwards, dated on Yesterday, complaining that the Case for which he was again placed without access was not regularly prosecuted in conformity to the Crown Trial, and requesting that he might be relieved from remaining longer without access.

The said Letter being as follows:

(F. I.)

In consequence of which letter His Majesty's Fiscal D. Denyssen, Esq., was called in Court and having been heard, stated that being actually busy in collecting information by which the suspicion of W. Edwards is much rather encreased than rendered weaker, he was unable to comply with the 33rd Article of Crown trial; requesting on the ground thereof, that the Prisoner Wm. Edwards may continue without access, until he, the Fiscal, should be enabled regularly to prosecute the Case against that Prisoner.

Upon which it was, after deliberation, resolved to acquiesce

in the Statement of His Majesty's Fiscal, as is done by these Presents, with authorising provisionally to continue the Prisoner Wm. Edwards without access, and with recommendations to proceed with all possible speed in collecting the preliminary information.

An Extract hereof without resumption to be granted to His Majesty's Fiscal, D. Denyssen Esq., as also to the Prisoner Wm. Edwards, for their information and guidance respectively.

Agrees.

(Signed) D. F. BERRANGE, Secretary.

Extracted from the Records held before His Honor the Chief Justice Sir Johannes Andreas Truter, Kt., LL.D., and the Members of the Worshipful the Court of Justice, on Thursday the 10th June, 1824.

His Majesty's Fiscal having stated that certain Daniel Lee, Servant of the Prisoner William Edwards, had, in his judicial statement, appearing in the investigation on that subject, given a description of a person who should have received from William Edwards the nameless writing in which His Excellency Lord Charles Henry Somerset and Dr. Barry have been defamed, for the purpose of being stuck up by him, and that the person thus described had been recognised in the Fiscal's Office, by Daniel Lee to be Benjamin Wilmot, and His Majesty's Fiscal having requested on the ground thereof authority to search the residence and papers of said Benjamin Wilmot, living in this Town with T. Robertson in Castle Street No. 9.

It was, after examination of the exhibited Records, and after deliberation on the Subject, resolved, in consequence of the existence of *Periculum in Mora*, to authorise H.M. Fiscal D. Denyssen Esq. as he is authorised by these presents, accompanied by one of the Members of the Court, to search the residence and papers of said Benjamin Wilmot.

An Extract hereof without resumption to be granted to H.M. Fiscal for his information and guidance. Agreed.

(Signed) D. F. BERRANGE, Secretary.

On this the 10th June 1824, at half past four o'Clock P.M. The Member of the Court P. J. Truter Esq., together with me

the undersigned Third Head Clerk of the Worshipful the Court of Justice of the Settlement of the Cape of Good Hope and the Territories and dependencies thereof, did, at the request of H.M. Fiscal, D. Denyssen Esq., provided with an Extract from the Resolutions of the said Court of this date, by which, at the request and statement of H.M. Fiscal, of the existence of Periculum in Mora, with regard to the Secretion of the papers of the person of Benjamin Wilmot, he was authorised to search: repaired to a House situate in Castle Street No. 9 occupied by Robertson, with whom the said B. Wilmot is living.

On entering the House, the judicial Messenger Ziervogel stated to the wife of said Robertson that the Gentlemen who had then entered the house formed a judicial Commission, upon which she was asked by His Majesty's Fiscal whether said Benjamin Wilmot lived there, but without answering this question the said wife of Robertson stated that she would call her husband, which having been done, her said husband came from the back part of the house, who immediately, on hearing the wish of His Majesty's Fiscal, pointed out a room upstairs, which he stated to be the only residence of Benjamin Wilmot, in which room the Commission did, in presence of said Robertson, search all the Papers, without discovering anything that had the least connection with the defamatory writing in question.

Thus searched on year, day, and time and place aforesaid.

In my presence.

(Signed) E. Bergh.

Records kept and continued before Walter Bentinck, Esqre., Commissioned Member of the Worshipful the Court of Justice of this Government on the Subject of certain Libel on His Excellency the Governor Lord Charles Henry Somerset, found stuck up in this town,

On Friday the 11th June 1824.

Appeared before the above-named Commissioned Member the Deputy Fiscal, as also the following Witnesses:

1st. William Bridekirk, junr., who, after having promised

to state the truth, the whole truth, and nothing but the truth, and after having made the Oath prescribed by the Crown Trial answered to the following queries put to him by the Deputy Fiscal, as is noted down opposite to each of them.

The appearer's name, age, and Country ?

Reply. William Bridekirk, of competent age.

Are you not employed in the Government Printing Office at this place ?

Reply. Yes.

Whether Bernardus Josephus van der Sande and Thomas Hammond are also employed there ?

Reply. Yes.

Whether the appearer was not in the Printing Office with said Hammond and Van der Sande on the evening of 1st June, Instant, for the purpose of composing a Proclamation with regard to the Libel on His Excellency the Governor and Dr. Barry ?

Reply. Yes.

Whether a conversation did not take place on the Subject of that Libel, and, if so, in what that Conversation consisted ?

Reply. Yes ! we did, one said to the other it must be of a heinous nature as such great reward is offered.

Whether it was not mentioned on that occasion that (as the Libel had been stuck up at the Corner of Hout street) Captain Findlay should perhaps have read it, or have heard it read ?

Reply. I certainly heard it saying, but by whom I don't know ; but I could not mention any one particular individual by whom it was mentioned that Mr. Findlay knew the particulars thereof.

Whether nothing else was then said with regard to the Libel ?

Reply. Not anything else on this head ; but Hammond came in, a while after, and suggested the particulars delicately.

Will you state what he said ?

Reply. The words I cannot mention particularly, but the nature of the Libel Hammond mentioned, but not particularly. He named the persons Lord Charles and Dr. Barry, but made a distant allusion, so that I could comprehend the meaning.

Whether Hammond has also stated to the appearer the names of the persons from whom he had heard it ?

Reply. Mr. Hammond had it from somebody in the Street; but he did not mention the name.

Whether any conversation took place on the Subject between the appearer Hammond and Van der Sande on the following morning, being Wednesday the 2nd ?

Reply. Not any regular conversation on the subject, but now and then we spoke of it.

2. Thomas Hammond, of competent age, who after having been made acquainted with the reason of his appearance and after having made Oath to state the truth, answered to the following queries put to him by His Majesty's Fiscal, as is noted down opposite to each of them :

Are you employed in the Government Printing Office ?

Reply. Yes between five and six years, I am a Compositor.

Are Bernardus Josephus van der Sande and William Bridekirk also employed in that Office ?

Reply. Yes.

Whether the appearer was not in the Office with said Bridekirk and Van der Sande about the evening of the 1st Instant for the purpose of composing a Proclamation on the Subject of the Libel on His Excellency the Governor and Dr. Barry ?

Reply. Yes, concerning a Libel against His Lordship. I was fetched from my house to come to assist about dark.

Whether any conversation took place on the subject of that Libel, if so, in what that conversation consisted ?

Reply. Yes it was the principal Topic of Discussion that evening what crime could have been so heinous as to call for so large a reward, and as it appeared that the paper alluded to was stuck up on the Heeren Gragt when the Proclamation was set up, and my business finished, I proposed that they should wait while I would go to a friend of mine on the Heere Gragt who likely would know what was the Subject thereof, I mean who likely would have heard the Subject of it. I then went to Mr. Saunders at the Heeren Gragt, and asked if he knew the subject of a Libel said to have been posted up, as I only just have heard of such a thing, as it appeared by Proclamation that I was sent for to print so late, mentioning that it had been stuck up in the morning. As I had been on the Heere Gragt two or three times in the course of that day, I was surprised I had not heard of it before. Mr. Saunders

answered that he had heard the Subject of it early in the morning, but he should not have mentioned it even to me if I had not told him that a reward was about to be published for finding out the author of it, and it being in the presence of his wife, he could only say that it was a most diabolical accusation against the Governor and Dr. Barry, which was the first time that I heard that Dr. Barry was the Officer alluded to in the Proclamation. I went immediately back to the Office and mentioned it to Bridekirk and Van der Sande. There were others, and of course they heard it; and all of them expressed their horror at the idea, and would not believe that it could be true and that it was a mere report or something towards that effect.

Have you not stated to your companions what you had heard in the street?

Reply. No, not that evening but I heard it two or three times in the course of next day. It was the subject of conversation all over the town.

Has Saunders also informed you of the manner in which it had come to his knowledge?

Reply. He told me from Captain Findlay; and Mrs. Saunders mentioned to me as decently and politely as she could that Dr. Barry had mentioned it to her.

Whether it was not mentioned on that occasion that (as the Libel had been stuck up at the Corner of Houtstreet) Captn. Findlay should perhaps have read it or have heard it read?

Reply. I don't recollect, it was mentioned in the course of the conversation in the printing Office; but if the question had been asked, I should have answered it, I conceived he must have read it or he could not have had the knowledge of the Contents.

Did the conversation again turn to the subject of the libel on the following morning?

Reply. Yes, it did generally, but I cannot recollect what was said.

The above being read over to the Appearer, he declared to persist in the same.

3. Thomas Thwaits, who, after having promised to state the Truth, and after having made the Oath prescribed by the Crown Trial, answered to the following queries put to him by

the Deputy Fiscal, as is noted down opposite to each of them :

Whether he is not accustomed to visit William Edwards ?

Reply. Yes, frequently. But acting as agent for Mr. Richardson.

Whether he has not been with Mr. Edwards in the latter part of May ?

Reply. On the Morning of the 2nd of June I called on Mr. Edwards on Mr. Richardson's business.

Who did you meet there that morning ?

Reply. When I was engaged on the accounts of Mr. Richardson a young man came, who, I learned was from Mr. Greig. Mr. Edwards left the table at which I was sitting with him, and went out. When Mr. Edwards returned, he said to me, Here is another account for you, Mr. Thwaits, to pay, after inquiring what the account was for, it was for printing some papers for the rations of Mr. Richardson's people. I told him to call for it at my counting house at any time, and it will be paid to him. Then some conversation took place, (I cannot recollect how it was introduced) respecting a Placard or some writing being posted up. I recollect perfectly well Mr. Edwards expressed himself he was sorry of such an occurrence having taken place, for it would injure our cause ; that conversation attracted my notice, and I enquired the particulars of the paper, and then I learned the nature of the paper or Placard that had been stuck up. Mr. Edwards several times expressed an abhorrence of what the paper alluded to contained, and that he never could believe it could be true of Lord Charles. That I think is the whole that took place.

Whether Edwards has not stated to the Appearer anything with regard to the conversation between himself and the other person outside of the room ?

Reply. No, Nothing. He merely came in and said there is another account for you, on account of Mr. Richardson, to be paid by me.

How late was it in the morning when you were with Mr. Edwards on the 2nd June ?

Reply. I think it was about half past ten.

Whether the appearer would remark anything in the manner or conduct of the person with whom Edwards went out of the

room from which he could form an idea of the nature of their conversation ?

Reply. No. Being interrupted in the business in which I and Mr. Edwards were engaged, I was rather annoyed, and did not pay particular attention to the manner of the young man visiting.

Did they remain in sight of you ?

Reply. I was with my back to the door, and when the knock came Mr. Edwards got up and walked to the door and went out, and from the manner they saluted each other I conceived that he visited Edwards frequently and that they were on familiar terms.

Whether Mr. Edwards has ever shown or read to the Appearer in the Prison a writing tending to insult or ridicule anyone ?

Reply. I think upon one occasion he said he had a new Song, and he recited some parts of it, and I do not know the reason, but he did not proceed with it, but he promised to let me have a sight of it another time.

Can you recollect the contents of it ?

Reply. It was a parody on some song, it had something of Jockeyship or Horse Racing; but the part I heard did not contain anything personal.

Have you never heard Wm. Edwards recite the scandalous writing stuck up against Lord Charles and Dr. Barry ?

Reply. No never, when I was present in the morning at the conversation alluded to here before, I heard more of the particulars of it than I had known before, which I learned from my conversation with Mr. Edwards.

Whether the appearer has also seen a Libellous Writing containing a Comparison between an unnamed person and a wooden doll commonly known by the name of *Punch ?*

Reply. Yes, I have seen a thing of that sort, which I understood has been stuck up; I had a Copy from the one that was stuck up.

Who put the same in the hands of the appearer ?

Reply. It was a circumstance that excited a good deal of curiosity at that time, and a young man who is now a Steward at Mr. Richardson's named Rumshort, mentioned a circumstance that he and one Sinclair were passing early in the morning by the Heere Gragt and Mr. Sinclair requested

the Deputy Fiscal, as is noted down opposit
them :

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ner's character in the way that is mentioned deserve the
erest punishment, and that he would inform of them, even
he knew it had been done by his mother or father. I recol-
ct that expression particularly well, from the tenor of his
expression ; I have reason to think that he felt a detestation
of the act. As soon as the young man was withdrawn I resumed
the business for which I was called.

Whether the Appearer knows the person who visited Mr. Edwards on that day (viz. 2nd June) ?

Reply. I learned afterwards that it was a young man of Mr. Greig. He brought an account from Mr. Greig against

wait with him while he copied it off. After several days being elapsed, I procured a Copy from Mr. Sinclair, purporting on the top of it to be a Copy of a paper stuck up at the Heere Gragt. I had that Copy several days in my possession, and returned or destroyed it; whether I destroyed it or not I am not positive, but I rather think I returned it.

Has the copy of that paper not been sent to you in a Book which was returned to you by Wm. Edwards?

Reply. I think Mr. Edwards had the copy from me, but in what way he returned it I don't know. But previous to having that in my possession, and previous to Mr. Edwards having it, I heard a great deal about it. The thing was notoriously known, and it was known by Mr. Edwards before he had it. We had spoken of the circumstance previously.

Did the person whom you state to have visited Mr. Edwards on the 2nd Instant again enter the room with Mr. Edwards after the Conversation he had held separately with him?

Reply. He merely followed him, Mr. Edwards, in the room, and I turned round to ask him what was the account, for I recollect in the conversation a question I put to the young man respecting the paper. I asked him if it was not known who took the paper down (meaning the Placard against his Excellency)? he informed me it was not discovered, but it was a young man on horseback passing by who had taken it down. He did not mention the person who took it down, it seemed to me to be a mystery. I thought it could easily be discovered.

You have stated that in your conversation with Mr. Edwards on that day you had become acquainted with the writing in question, now state the contents of it.

Reply. Not through the conversation with Mr. Edwards alone; but through the conversation of Mr. Edwards with the young man. They were talking about some paper in my presence in the room. Speaking of the paper that had been stuck up, and inquiring the nature of the Libel, I was informed of what nature it was. I cannot exactly say the identical words, but it conveyed to my mind . . . . . It had that impression on my mind.

Did you in that conversation also hear the date mentioned on which it was to take place?

Reply. No, the impression it made on my mind was such that I did not take any particular notice of the date.

Which of them stated the particulars contained in that writing ?

Reply. Being a casual conversation I paid no particular attention. But when I found they were speaking of a paper that was stuck up against His Excellency, I asked them the nature of the paper, and from them I had the information that led to that impression of the paper. I do not recollect the precise words.

Do you not recollect who commenced the conversation on the Subject of the Placard ?

Reply. I do not recollect.

Whether the appearer did not hear on that occasion that mention was made of the Proclamation by which a reward had been offered for the discovery ?

Reply. I think there was some mention made of the proclamation, but I am not positive whether it was mentioned.

Whether it appeared to him that the person who visited Mr. Edwards attached his approbation to the Placard which had been stuck up ?

Reply. He did not appear to have that abhorrence of such a crime as Mr. Edwards shewed. He, Mr. Edwards, expressed greater abhorrence several times. I mean He, the Visitor, did not express his detestation of the parties guilty of such a crime of posting such a paper.

What words did he make use of to express his detestation ?

Reply. I cannot repeat all the words, but I remember one expression he made use of, that persons capable of defaming another's character in the way that is mentioned deserve the severest punishment, and that he would inform of them, even if he knew it had been done by his mother or father. I recollect that expression particularly well, from the tenor of his expression ; I have reason to think that he felt a detestation of the act. As soon as the young man was withdrawn I resumed the business for which I was called.

Whether the Appearer knows the person who visited Mr. Edwards on that day (viz. 2nd June) ?

Reply. I learned afterwards that it was a young man of Mr. Greig. He brought an account from Mr. Greig against

Mr. Richardson, from which I concluded that he was a young man of Mr. Greig, and will know him if I see him.

The above having been read over to the Appearer, he declared to persist in the same.

Thus done at the Cape of Good Hope, die et anno ut supra.

(Signed) WALT. BENTINCK.

Records kept and continued before W. Bentinck, Esquire, Commissioned Member of the Worshipful the Court of Justice of this Government, on the subject of a libel on His Excellency the Governor and Dr. Barry, found stuck up in this Town, more particularly mentioned in the Proclamation of the 1st Instant.

On Saturday, the 12th June 1824.

Appeared before the Commissioned Member His Majesty's Fiscal, as also the following Witnesses, viz. :

James Borrowmen Grey, who, after having been made acquainted with the reason of his appearance, and after having taken the Oath prescribed by the Crown Trial, answered to the following queries put to him by His Majesty's Fiscal, as is noted down opposite to each of them :

Whether the Appearer is acquainted with John Brumfield ?

Reply. Yes.

Whether anything has been communicated to the Appearer by said John Brumfield with regard to the pulling down of certain libellous writing, stuck up against His Excellency the Governor and Dr. Barry ; and, if so, to state the particulars ?

Reply. To the best of my recollection Mr. Brumfield mentioned his knowledge of the person who removed the placard and destroyed it, and that he, Mr. Brumfield, had seen a copy of it, which was likewise destroyed.

Whether the said Brumfield has stated the particulars to the Appearer ?

Reply. He did not mention the contents of it all. The nature of the libel was understood when reference to it was made in our conversation. I mean the reference was understood by the conversation taken place. Says further the first question to Brumfield was, Is there anything discovered of

the Placard, already thereby alluding to the Placard alluded to in the Proclamation.

When this conversation between the appearer and John Brumfield took place ?

Reply. Saturday last, the 5th June, in Berg Street. I cannot recollect the time of the day, it was some time between ten and one.

Whether the place where that Placard had been stuck up was mentioned to the Appearer by Brumfield ?

Reply. No, he never mentioned the place where it was stuck up, there was no allusion made as to the place where it had been stuck up.

Whether any conversation took place at that time, in which the reward offered by Proclamation of the 1st Instant for the discovery of the author was mentioned ?

Reply. No conversation had taken place relative to the Proclamation. I said that there was no reason that the person who had taken it off should not come forward to state it, provided he did it with an intention to destroy it.

Whether Mr. Brumfield has not mentioned to the Appearer the person who pulled down the Placard ?

Reply. No.

Whether Mr. Brumfield has mentioned to the Appearer the person who took a copy of the Placard thus pulled down ?

Reply. No, he made no reference as to name. There were no names mentioned. He only said he had seen the copy of it.

Whether Mr. Brumfield has stated to the Appearer the time or the manner in which the original was destroyed ?

Reply. No, he only told me it had been put in the fire without making any reference to time or place.

Has he stated to you the time and the manner in which the Copy was destroyed ?

Reply. No.

Whether, after this conversation the Appearer held any further discourse with Brumfield on the subject of the libel ?

Reply. No, I have not seen him since.

The above being read to the Appearer, he declared to persist in the same.

John Brumfield, born in England, of competent age, who, after having been made acquainted with the reason of his

appearance, and the Oath about to be administered to him, asked *Whether he is to be examined about the first Placard?* Which having been answered in the affirmative by His Majesty's Fiscal, he made Oath to state in his answers to the queries to be put to him by His Majesty's Fiscal, the truth, the whole truth, and nothing but the truth; upon which the following queries were answered by him in the manner noted down opposite to each of them.

Whether the Appearer recollects to have spoken with Mr. James Gray in the street on the 5th instant?

Reply. I had some conversation with him certainly.

If the Appearer can state in what the conversation between him and Mr. Gray consisted at that time?

Reply. The Paper which I had in my hands was a copy of that of Dr. Lys's which has been since destroyed. Our conversation was merely that I said: Have you seen such a thing? (shewing him the paper which I held in my hand). We both laughed at it. I left him, and we both went away.

In what manner the Appearer got in possession of the Paper mentioned by him?

Reply. I saw a Copy of it in the hand of a person at the wharf whose name I don't know, and whom I have not seen since.

When did you see the Copy in the hands of that person?

Reply. The same day on which I shewed it to Mr. Gray when standing before the store door of Mr. Loudon in Berg Street.

Whether any person was present when the Appearer produced the Copy to Mr. Gray?

Reply. No, nobody that I noticed.

Whether he the Appearer heard what had become of the original of that writing, of which he states to have seen and taken a Copy?

Reply. No, I have never heard it. I have never seen the original, the original was long before down at the time I shewed the Copy to Mr. Greig. It was then about the middle of the day.

The Appearer to state the principal contents of the writing of which he states to have taken a copy?

Dr. Lys's name and Mrs. Usher's were above it. It con-

tained that Dr. Lys and Mrs. Usher have joined their concerns together, under the auspices of Little Dr. Barry. These are just the 2 or 3 lines I can recollect of it, so little attention I paid to it; it was nothing to me.

Whether no conversation ever took place between the Appearer and James Gray with regard to the libellous writing, for the discovery of the author of which a reward was offered by Proclamation of the 1st Instant?

Reply. Not to my knowledge, I never spoke to Mr. Gray about that Paper nor to any person else. I take my Oath that I never had a conversation with Mr. Gray respecting that Placard Mr. Denyssen is alluding to about Lord Charles.

Whether the conversation with Mr. Gray mentioned by the Appearer did not take place after the said Proclamation had been published?

Reply. I cannot say whether it had been subsequent to that date or no, for I have no recollection of it.

Have you only once conversed with Mr. Gray on the subject of the Placard?

Reply. Only once, and that was about the Paper which I held in my hand.

The above being read over to the Appearer he declared to persist in the same.

Thomas Sinclair, born in England, who, after having made Oath, answered to the following queries put to him by His Majesty's Fiscal, as is noted down opposite to each of them:

Whether anything is known to the Appearer respecting certain defamatory writing circulated at this place, beginning with the words, "Wonderful Cape Punch" or the like?

Reply. Yes, I saw it on the Bridge leading from Hout Street to the Parade. I cannot say exactly the date, it was a very foggy morning, but if I recollect back I may be able to ascertain the date. It was very early, before seven o'Clock.

Whether the Appearer has been, or is, still in possession of a Copy of the same?

Reply. I did possess a Copy of it, but I destroyed it.

In what manner did you come in possession of the same?

Reply. The Appearer declines answering this question, as leading to criminate himself.

The above being read over to the Appearer, he declared to persist in the same.

Nicolaas Bamberger, 1st Undersheriff, born in Germany, of competent age, who, after having made Oath, answered to the queries put to him by His Majesty's Fiscal as follows:

The Appearer to state the persons who have visited W. Edwards during his imprisonment?

Reply. Mr. Richardson, Captain Carnell, Mr. Thwaits, Mr. Francis, Mr. Scott late clerk of Aken and Monteath, and Mr. Jan Bernhard Hoffman.

To state the person who visited him frequently?

Reply. Mr. Whiston, Mr. Hart (the shortest of the two brothers) and Bishop Burnett.

Whether any persons have visited Mr. Edwards who were unknown to him (the Appearer)?

Reply. Yes, I have heard of a Mr. Parr. I have this morning seen a person in Court whom I learnt to be Mr. Brumfield, and I recollect his having once visited Mr. Edwards. I have also seen a person entering the prison whom Thorp told me to be Robertson of Castle Street.

Have you also seen with Mr. Edwards Benjamin Wilmot, who is now in prison?

Reply. Not that I know.

At what time the Appearer is generally present in the Prison Apartments?

Reply. The whole morning except the time when I make my report. I am also always present from time to time in the afternoon, but I sit in a room, the door of which is closed, so that the people can come in and go out without being seen by me.

Were the persons who visited Mr. Edwards accustomed to address one of the Undersheriffs or the Bookkeeper?

Reply. To the best of my knowledge no one asked my leave to walk in except Mr. Hart, they entered without asking.

Have you not seen Mr. Whitam visit Mr. Edwards?

Reply. I do not know him by name, he is a person who wears spectacles, and used to keep much conversation with Mr. Bassinne.

The above being read over to the Appearer, he declared to persist in the same.

William Griffen, born in Ireland, of competent age, who, after having been made acquainted with the reason of his appearance, and after having taken the Oath prescribed by the Crown Trial, answered to the following queries put to him by His Majesty's Fiscal, as is noted down opposite to each of them :

Whether the Appearer was on guard as Constable at the gate of the New Prison on the 31st May last?

Reply. I cannot recollect the day, because I am so often on guard, but some time about that day I was on guard there.

Whether on the day he means, the Constable Pietersen or any other was also on guard at the gate of the new Prison ?

Reply. Yes, we were on the same day that Wenglossky and Sullivan had the guard at the old Trunk.

During which hours of the day the Appearer was on guard before the new Prison ?

Reply. I was on guard from Seven in the morning to one o'clock in the afternoon, after that Pietersen had been on guard from one to seven o'clock in the Evening, and I think I was then again on guard from seven to one o'clock at night, after which I was again succeeded by Pietersen. I have some recollection that Pietersen remained with me some hours that evening on the same guard.

Whether the Appearer knows the Person of Benjamin Wilmot, who is now confined in the Town Prison without access ?

Reply. Yes sir ! if you mean the man who has been shown to me yesterday morning. I have seen that man then going to the Trunk to Mr. Edwards. He told me he was going to Mr. Edwards. I cannot recollect the day, because I have been so frequently on guard.

When you saw him go in, were you by yourself, or was anyone else with you ?

Reply. I cannot recollect.

If he does not recollect whether any other persons were with Mr. Edwards that evening ?

Reply. No, I cannot say.

The above being read over to the Appearer, he declared to persist in the same.

Upon which His Majesty's Fiscal produced a report from the judicial Messenger Zoestman, from which it appeared that the person of Rumshort, in the service of certain Mr. Richardson, could not be summoned to appear before the said Commissioned Member, on account of his having accompanied his Master to Mossel Bay in the District of George, and requests that the same may be recorded.

Thus done at the Cape of Good Hope, die et anno ut supra.

(Signed) W. BENTINCK.

On the 11th and 12th of June 1824.

I the undersigned in pursuance to an order received of His Honor the Chief Justice Sir J. A. Truter, Knight, L.L.D., have repaired to the respective members of the Court of Justice residing in Cape Town and submitted to their consideration and decision a Representation from the Fiscal of this Government, D. Denyssen, L.L.D., accompanied by two annexures, by which it would appear that Benjamin Wilmot is the Person into whose hands the defamatory Placard against His Excellency the Governor and Dr. James Barry published in this Town on the 1st Instant, had been put by William Edwards, for the purpose of being posted; setting forth that on the strength of these documents he the R. O. Applicant had considered it his duty to commit the Person of said Benjamin Wilmot and to place him in confinement with seclusion from access, in the same manner as has been done with the Individuals Wm. Edwards and Daniel Lee, requesting the Court's approbation of his proceedings in which he considers himself the more justified in consequence of the declaration of Benjamin Wilmot that he had come from Graham's Town to this metropolis with the intention only to leave the Colony by the first opportunity.

The contents of which representation were as follows:

F. I.

In consequence of which it was resolved to grant the Request of the R. O. Applicant, the same being granted by these presents, approving therefore of the commitment and placing in confinement of the aforesaid Benjamin Wilmot.

An Extract hereof shall be issued to H.M. Fiscal for his information and guidance.

At the Cape of Good Hope, die et anno ut supra.

(Signed) J. T. JURGENS.

Extracted from the Resolutions taken by His Honour the Chief Justice, Sir J. A. Truter, Knight, L.L.D., and the Members of the Worshipful the Court of Justice of this Government.

On Monday, the 14th June 1824.

His Honor the Chief Justice first communicates to the Court that He has expressly convened this meeting in consequence of the receipt on Saturday last of a letter from the Prisoner William Edwards, dated the day previous, on the subject of the Court's resolution of the 10th instant.

That His Honour had caused that letter to be put into the hands of H.M. Fiscal in original, in order to give in his consideration and report in the meeting of this date, as to the necessity of continuing the Prisoner any longer without access. The said letter of the Prisoner being as follows :

Cape Town, 11th June, 1824.

SIR,—Being this moment favored with an official answer to the letter I wrote to you on the 9th instant, I take leave in reply to say I am more anxious than H.M. Fiscal can be that this new charge against me may be sifted to the very bottom.

Yet I think the resolution is objectionable, as it allows an innocent man to be punished sine die.

I wrote to the Fiscal saying he ought to give me a Copy of the indictment, and proceed to interrogate me, after which I am willing he may take as long as he likes to collect proof, for if he found a thousand Witnesses to give false evidence I should have no fear, as liars never do agree they must contradict each other and against me.

I trust sir, the Court will take this into consideration, and make an order to prevent a man being punished interminably before trial. Yet, at the same time, I hope the Fiscal (after interrogating me) may have every opportunity afforded him to procure proof to strengthen his suspicion of what "non est amens

tam excors quæ credat." however long be the time it may require. If the Fiscal can produce one respectable man to swear I am the author or publisher of any anonymous placard or even that I ever approved or knew of one before publication. I will consent to be deemed the author of this now charged on me. I have &c.

Signed W. Edwards.

The Secretary of the Court then exhibited the draft of a letter to H.M. Fiscal, D. Denyssen Esquire giving cover to the Prisoner's Letter for the purpose aforesaid.

The said draft being as follows:

Cape Town 12th June 1824.

Sir,—I have the honor by command of His Honour the Chief Justice to transmit to you herewith in Original a letter from the Prisoner Wm. Edwards, and to acquaint you that the Court will meet on Monday next at 11 o'Clock A.M. in order to receive your consideration on the Contents of said letter, and as to the necessity of continuing the said Edwards any longer without access. I have &c.

(Signed) D. F. Berrangé, Secy.

Upon which His Honour further stated that this morning a letter was handed to him by H.M. Fiscal from the Prisoner Benjamin Wilmot, containing a Request to the Court for Copies of all the Depositions and Documents connected with the accusation laid against him, (Wilmot), with regard to the composition and accomplicity to the publishing of certain Placard, and that a term may be fixed for a public investigation as to the legality of his imprisonment, and that he may further be placed in the opportunity to appear before the Court with his accuser or accusers.

The said letter being as follows:

To the Worshipful Court of Justice.

The Memorial of Benjamin Wilmot, Gentleman, humbly sheweth,

That he is illegally confined in prison on a supposed charge of being the author or accessory to the publishing of a Placard, (the contents of which he has never heard) without a public

inquiry and without being confronted with his accuser or accusers, indeed sent to solitary confinement contrary to the usual and approved preliminaries which ought to have been observed.

Therefore your Memorialist prays that Copies of all depositions and papers relating to him may be furnished him for the love of God, that a day may be fixed for a public inquiry into the legality of his commitment, and that the Memorialist be then brought into Court in propria persona and there be confronted with his accuser or accusers. And he will ever pray &c.

(Signed) B. WILMOT.

And that H.M. Fiscal having been recommended by the Court's Resolution of the 10th instant to proceed with the utmost speed in collecting the necessary preliminary information with regard to the persons concerned herein, the present meeting was also intended, over and above the consideration and report required of H.M. Fiscal, and the letter of the Prisoner Wm. Edwards, to demand from him a circumstantial report of the steps taken by him for collecting the necessary preliminary information, in order that after examination of the same, such resolution may be taken as the Court shall in Justice judge necessary.

H.M. Fiscal having been called in Court for that purpose, exhibited:

1st. An anonymous letter dated 4th Instant, apparently directed to Dr. Barry.

2nd. Seven Records kept on the 4th, 5th, 8th, 9th, 10th, 11th, and 12th instant with the Documents relative thereto.

3rd. Three separate records of search at the dwellings of B. Burnett, George Greig, and Benjamin Wilmot. And says, that from the papers produced by him it appeared that William Edwards is guilty of having composed and published the scandalous defamatory writing stuck up on the 1st instant against His Excellency Lord Charles Henry Somerset and Dr. Barry, and that the Persons of B. Wilmot, B. Burnett and George Greig are considered to be his accomplices; that in consequence with regard to the Prisoner William Edwards, no reasons exist to allow any access to him previous to the termination of his examination on the said accusation, sub-

mitting notwithstanding to the decision of the Court, whether access can be allowed in consideration of the circumstance that he the Prisoner had already, in consequence of the time necessarily required for collecting the necessary preliminary information, been placed without access for some time, altho' such concession would tend to elude the investigation by collusion.

That further with regard to the request of the Prisoner Benjamin Wilmot, the first part of it was irregular in every respect, but that with regard to the 2nd part viz.: that a term may be fixed for his prosecution, he had no objection to the Court's deciding thereon.

H.M. Fiscal requesting with regard to the persons of B. Burnett and G. Greig, as being joint accomplices of the prisoner W. Edwards, with B. Wilmot, a decree of corporal apprehension in that case, declaring to be prepared to communicate to these as well as to Wm. Edwards their acts of accusation to-day, which will enable the prosecution to be carried on with speed.

Upon which it was after examination of all the exhibited records and documents relating thereto, and after deliberation, resolved:

1st. With regard to the Prisoners W. Edwards and B. Wilmot to place without effect the resolution of the 10th instant by which H.M. Fiscal D. Denyssen Esq. had, on his request, been authorised provisionally to continue the placing of the Prisoner W. Edwards without access, as the same is declared by these presents to have no further effect, and consequently to re-establish the Prisoner, as he is re-established by these presents, in the same state of his detention in which he was previous to his having anew been placed without access, and with regard to the Prisoner Benjamin Wilmot to release him from his detention, as is done by these presents, in consequence of the preliminary information, altho' affording sufficient grounds provisionally to secure his person, as well as to continue provisionally without access the Prisoner *W. Edwards*, have not yet brought the accusation against both to that degree of probation which is absolutely required for a Criminal Prosecution.

2nd. With regard to the Prisoner *Daniel Lee*, to release him from his detention, as is done by these presents, as having acted as informer herein, in consideration of the hitherto exist-

ing insufficiency of the grounds for a prosecution against the accused persons.

3rd and finally, with regard to the corporal apprehension requested by H.M. Fiscal against *Bishop Burnett* and *G. Greig*, as yet to decline a compliance therewith, and to reject that prayer, as is done by these presents, in consequence of the preliminary information exhibited not as yet affording sufficient grounds for granting a provision of Justice or Criminal prosecution against them.

The Court strongly recommending to H.M. Fiscal, notwithstanding the present resolution, to continue his endeavours against all the above mentioned concerned persons, with all diligence in taking such measures for the discovery of the truth of the existing accusation, and for bringing to further probation the actually existing suspicions, in such manner as the importance of the case and a prompt and impartial administration of Justice so imperatively call for.

An Extract hereof to be granted to H.M. Fiscal, D. Denyssen Esq., under restitution of the exhibited records and documents relating thereto; as also similar Extracts to the Prisoners W. Edwards, B. Wilmot, and Daniel Lee, for their information and guidance respectively.

Agreed.

(Signed) D. F. Berrangé.

Extract Resolution taken by His Honor the Chief Justice Sir J. A. Truter, Knight, L.L.D., and the Worshipful the Court of Justice of this Government.

On Monday the 5th July 1824.

Having read the Report of His Majesty's Fiscal D. Denyssen L.L.D. on the Memorials of B. Wilmot dated 24th and 29th June last, which by marginal decision of the Court had been referred to the Fiscal for the aforesaid purpose, in the first of which Memorials the supplicant had requested that His Majesty's Fiscal by an order of this Court might be directed to institute forthwith a criminal prosecution against Daniel Lee for *Perjury*, and that the necessary measures might be taken to secure the evidence of W. Edwards and George Greig at the trial, and that he the supplicant might further be admitted to

produce within a certain limited time such other witnesses for the trial as he shall think necessary, and finally that he might be allowed to enjoy all such prerogatives as are usually granted on the occasion of similar trials.

The Supplicant having in his Second Memorial prayed to be declared clear and innocent of the crime or misdemeanour which has been laid to his charge, repeating his request that the individual Daniel Lee might be criminally prosecuted, and that this prosecution might take place forthwith on account of the supplicant's intended departure from the Colony.

His Majesty's Fiscal D. Denyssen, L.L.D., on the grounds set forth at large in his aforesaid Report having declared that with respect to the Individual Benjamin Wilmot, there are actually no grounds to declare him clear and innocent of the suspicion of having been accessory to the Libel against His Excellency the Governor and Dr. Barry, nor with regard to the Individual Daniel Lee, to prosecute him for perjury.

After examination of which Report and the vouchers thereto annexed, and after due deliberation, it was resolved to acquiesce in the declaration of His Majesty's Fiscal D. Denyssen L.L.D. with regard to the Individuals B. Wilmot and Daniel Lee, acquiescing therein by these presents.

Extracts hereof shall be issued to His Majesty's Fiscal D. Denyssen L.L.D. and to B. Wilmot for their information and guidance respectively. A true Copy.

(Signed) D. F. Berrangé.

[Original.]

Letter from Lord Charles Somerset *to* Earl Bathurst.

Cape of Good Hope, *8th July* 1824.

My Lord,—Having in a confidential Letter to your Lordship of the 30th Ultimo, relative to Benjamin Wilmot, alluded to the posting of a most infamous Placard against me on the 1st Ultimo, I have now the honor to forward to your Lordship a Letter addressed by His Majesty's Fiscal to me, transmitting all the Documents relating to that Transaction. I have &c.

(Signed) Charles Henry Somerset.

[Copy.]

Letter from SIR JOHN TRUTER *to the* ACTING COLONIAL SECRETARY.

CAPE TOWN, *July 9th* 1824.

SIR,—In reply to your letter of the 28th May last, enclosing Copy of a Memorial from Mr. C. F. Liesching, soliciting permission to practise as a Chemist and Druggist in this Settlement, for my report thereon, I beg leave to say for the information of His Excellency the Governor that by Proclamation of the 26th September 1823 it has been enacted as follows:

1st. "No Person shall be allowed to practise as Physician, Surgeon, Apothecary, Accoucheur, Chemist and Druggist in this Settlement without a License previously obtained from me, or from the Governor for the time being."

2nd. "Such Licence shall in no Case be granted unless upon the production of a Regular Diploma from an University or College in Europe, or in case of Surgeons, Apothecaries, &c., &c., of such certificate as is usually required for these arts, the same being subject to the examination of the Colonial Medical Inspector for the time being, and &c."

From this Proclamation it appears that in case of Apothecaries, Chemists and Druggists the obtaining of a Licence depends on such Certificate as is usually required for those Arts. Now on inquiry it has appeared to me that the persons qualified to apply for a Licence, and admitted to practise in the Colony as Apothecaries, Chemists and Druggists, have obtained their admission from Government after having produced for examination to the Colonial Medical Inspector a Certificate from the Person with whom they have served their regular Apprenticeship, together with a Certificate that they have been examined by some competent professional Authority, and found qualified to practise in those Branches.

Under these circumstances, considering that Memorialist has, after the time of his Apprenticeship, been employed for five years in the management of one of the first Apothecary Shops in this Town, nothing more seems to be required for his admission than to subject him to the examination of some competent professional Person, or Board, it being in my opinion

out of the question to require from a Native, for his admission as a Chemist and Druggist, a certificate from Europe, and thereby to deprive him of a livelihood to which he is equally in the way here in the Colony to acquire the requisite qualifications as any where else.

Submitting this opinion to His Excellency's better judgment,

I have &c.

(Signed) J. A. TRUTER.

[Original.]

Letter from MR. JAMES S. KING *to* EARL BATHURST.

LONDON, GLOSTER TERRACE, COMMERCIAL ROAD,
July 10*th* 1824.

MY LORD,—I take the liberty of laying before your Lordship certain Information, which I have acquired on the South East Coast of Africa, which I trust will prove to be of importance to Great Britain.

I sailed from the Cape of Good Hope, in the Command of a Merchant Vessel, in June 1823, for the purpose of trading with the natives on the Coast of Natal, Fumo, &c., fully expecting to meet with several Rivers that would afford us shelter; after trying every part of these shores, we found our hopes in vain, and at length attempted to land on the open Beach; this we accomplished, after losing two boats, and six of our hands (drowned), twelve having survived; but the vessel riding at anchor in the offing, no means could be resorted to for conveying them on board it then blowing hard with an increasing Gale, we parted our Cables and was obliged to stand for Sea consequently were driven from the coast, and left our people amongst the Natives: for five weeks, we were apprehensive of their safety; however, on our return we found them all well, and had been kindly treated, we have understood from them that they have never seen a white person before. My motive for laying before your Lordship this brief account is to prove the deficiency of this extensive Coast relative to Harbors, and that the Natives are extremely inoffensive:

Near this spot is where the *Grosvenor*, East Indiaman, is said to have been lost, in fact there can be little doubt of it, as we saw the Top Mast of a very large ship thrown up amongst the rocks, and much decayed; we made every enquiry, relative to the crew, but could gain no information. The Country hereabout is very picturesque, abounding with Cattle in most excellent order, and very humid. The climate is very salubrious, and no doubt much preferable to many parts of Europe. Having been so very unsuccessful in not gaining a Port, we proceeded to the Southward, and passed several Rivers, apparently very spacious inward; but the Bars having little water on them were not capable of admitting a boat going over. Having an Idea that Gold might be procured, about these Rivers, and having experienced many privations, we determined on returning to Port Elizabeth, to replenish and prepare accordingly, at which time several of the Settlers volunteered to go with us: after being some considerable time on the coast it came on to blow very hard, being then on a Lee shore and very near the entrance of a River, I determined on attempting the Bar, consequently we cut our Cable, and ran in where we fortunately arrived safe. This My Lord is the spot which I think would prove of the utmost advantage to Government. The particulars and benefits to be derived I will endeavour to point out.

The Harbor though small (being the only one on this extensive coast) is very easy of access for vessels of a certain draft. It abounds with Hippopotamus, and Fish of various sorts, and the Soil in its vicinity, in my opinion, is particularly productive: at present Indian Corn is the only Produce grown, which is large and in great abundance. The Plains are very extensive and the Pasture for their Cattle rich. Near the anchorage is excellent Timber for Ship building: it resembles the Cedar, also at the head of the harbor are fine tall spars, fit for Masts &c. This Country as far as I can venture to speak of (say a distance of about Forty miles) is beautiful and blest with a salubrious air, and a productive Soil; likewise within that short distance are several extensive, winding Rivers, which adds greatly to its Importance, our first Interview with the Natives at this place appeared rather Hostile on their part, they being armed with their Assaigi and Shield, but when we became better

acquainted they were extremely well disposed, and expressed a particular desire for us to remain among them. I should not my Lord have ventured to offer an opinion of the Capability of the Soil of this Country, but having several very clever Men, who appeared perfectly acquainted with agricultural pursuits, and who were unanimous in declaring, that if Government were acquainted with its advantages they would not hesitate to remove the unfortunate Settlers thither, here they would in all probability succeed in their crops, and have a Harbor which would enable them to export their Produce to other Countries. In addition to this, is a very spacious Bay, which would afford shelter for such Vessels as could not venture over the Bar, with North and Westerly winds. A Chart of which, and several sketches together with a few of their weapons I am in possession of and will, if your Lordship pleases forward for your Lordship's Inspection.

As it is my intention to call at the Cape on my way to the East coast of Africa, Should your Lordship deem this information of sufficient Importance and be pleased to make mention of me to His Excellency, Lord Charles Somerset, I shall feel proud to have the honor of explaining to him every Particular respecting it, and will also be happy to convey any Person His Excellency might think proper to appoint to the spot, and return immediately with them to our nearest settlement (Port Elizabeth) so as to ascertain the accuracy of my statement which I trust your Lordship would find correct in every particular. Altho' I have not the Honor of being personally known to your Lordship, I trust your Lordship will not think me presumptive to state that I have served as Midshipman in His Majesty's Navy, upwards of Ten years, and can produce the most satisfactory Testimonials of my Character, from the different Captains I have had the Honor to serve under, one of which Lord James Townshend who has examined the different surveys of the East Coast and has ascertained that the Admiralty are not in possession of any plans of this Harbor. Trusting that this information may prove useful, as also meet your Lordship's approbation, I have &c.

(Signed) JAMES S. KING.

[Original.]

Memorial of MRS. SPARKS.

To the RIGHT HONORABLE EARL BATHURST, K.G., *His Majesty's principal Secretary of State for the Colonies, &c., &c., &c.*

The Memorial of Anna Sparks, widow of the late Captain Sparks, Royal African Corps, Humbly Sheweth

That Memorialist is left with nine Children (five of whom are Girls) in the heaviest affliction, and presumes to address your Lordship in the hope of receiving some remuneration for losses sustained by a Settlement which her late Husband Captain Sparks was induced to engage in on the reduction of the Royal African Corps, which Regiment he Commanded for four years chiefly on the Frontier of this Colony where he performed many severe campaigns against the Caffres in the year 1818. He commanded the Regiment at the attack on Graham's Town, and it is well known that the Royal African Corps evinced so much determination and undaunted courage on this occasion that the Caffres were completely driven off and above one Hundred and twenty five of them left dead. There were also engaged with them a Company of the 38th and two field pieces under Lieut. Colonel Willshire (who then Commanded the Frontier). They were many nights under arms to protect the Town and during this severe duty Memorialist's late Husband Captain Sparks received a serious hurt in his side, which he did not give up to.

The Barracks being about a mile from the Town, Captain Sparks stationed an officer and 60 men of the R.A. Corps to defend them, as they were totally unenclosed; after the engagement Captain Sparks had a Fortification built by the men of the R.A. Corps round the Barracks, so as to enable them to be more effectually protected, this occurred previous to the arrival of any of the Engineer Corps on the Frontier.

Sir Rufane Shawe Donkin, the then acting Governor, offered the Officers and men a tract of Land to form a Settlement and entered into articles which the officers agreed to, and in the first instance on the faith of these articles formed a Town which they in compliment to His Royal Highness the Duke of York named Fredericksburg. Memorialist's late Husband

Captain Sparks embarked very largely into this undertaking and wishing to give every assistance and encouragement to the Settlement and feeling himself called upon to use every exertion to stimulate others by example to surmount all the difficulties that must attend so arduous an undertaking, built a good House in the Town and had a Garden put into a state of cultivation. This done, his numerous Labourers and Tradesmen were unemployed; he now wished to attend to the Farm, he provided farming implements and everything necessary for Agricultural purposes, also purchased a large number of Cattle &c. &c., but the Farms that were promised were never granted, and after meeting many disappointments the Officers and Men were obliged to abandon the Settlement as they had not Title Deeds given them either to the ground in the Town of Fredericksburg or the Farms. Memorialist's late Husband's House was then just fit for the reception of his family, when it was unavoidably left to ruin.

Sir Rufane Donkin can give every information on this subject, as he has had many conferences with Memorialist's late Husband Captain Sparks respecting the Settlement when it was about to be founded, as can also Major Jones the then Landdrost of Albany, who visited Fredericksburg when in a very promising state. Memorialist can assert that upwards of five Hundred pounds Sterling was expended by Memorialist's late Husband on the Settlement. Memorialist's late Husband Captain Sparks has served on the Staff in Ireland and in the Peninsula, and has always maintained a high Character in the Service since 1797 when he entered as an Ensign.

Your Memorialist having so numerous and helpless a family and her own health being in a very declining state, renders it incumbent on her to make every exertion for their support, and having some small property in Graham's Town is induced to return there and settle in the Colony. Your Memorialist most earnestly entreats that your Lordship will take into your favourable consideration the very peculiar and unhappy situation of herself and Children and grant the prayer of her Memorial for compensation for losses sustained by her late Husband, and as in Duty bound will ever pray.

(Signed) ANNA SPARKS.

Cape Town, Cape of Good Hope, 12th July 1824.

[Copy.]

Statement of the Landdrost of Stellenbosch to the Commissioners of Enquiry.

CAPE TOWN, 12*th July*, 1824.

D. J. Ryneveld, Landdrost of Stellenbosch, states that on the 24th July 1822 immediately after the heavy Storm the Landdrost and Heemraden of the district issued directions to the respective Wardmasters of the villages and the Field Cornets in the Country to inspect and report upon the damages that had been sustained in the property of the Inhabitants, upon these reports the Lists were framed that were sent to the Government, and the communication received in reply was a Letter from the Colonial Secretary dated the second of August, announcing that the Governor had determined to afford relief to the Inhabitants, and in pursuance of the intimation, 30,000 Rix Dollars were placed at the disposal of the Landdrost and Heemraden by Government Letter of the 8th August, tendering it as a loan for Two Years upon the usual terms of 6 per Cent per annum and afterwards the repayment of the principal by Instalments of 10 per cent per annum with Interest till paid off.

This Sum was distributed on the same terms to the Inhabitants in proportion to their losses, which had been estimated by the Field Cornets and Wardmasters, each assisted by one or Two Witnesses.

The total estimate of Damages sustained in the District amounted to 116,025 Rixdollars, and a further loan of 30,000 Rds. was received from Government in February 1823, and which was in like manner distributed.

The first loans were made on personal Securities, approved by the Board, the last one on the property of the Borrowers. A Year's Interest upon the first Loan has been received, and is now payable to Government.

The funds of the District were applied to the repairs of such of the Public Buildings as sustained Damage. Many private Buildings sustained material injury, and some of the vineyards were buried in Sand by the floods, which occasioned much labour to the proprietors in clearing them. Declarant is not

aware that any material losses in the returns of the ensuing Season were sustained by the Corn or Wine farmers, but a reference to the Copy of the Opgaaf Rolls will more particularly explain this.

(Signed) D. J. VAN RYNEVELD.

[Copy.]

Statement of MR. D. J. VAN RYNEVELD, *Landdrost of Stellenbosch, to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *12th July*, 1824.

Mr. D. J. van Ryneveld states that he was Deputy Landdrost at Jan Dissels Valley (now called Clan William) in the years 1808 and 1809, and a short time before the arrival of the English Settlers he recollects a Conversation that he had with Colonel Bird in which he was interrogated as to the capabilities of the Jan Dissels Valley for the reception and location of some of the Settlers, when he expressed an opinion in favor of it as capable of supporting a few families.

This conversation was quite incidental, and he has only a general recollection of this having been one of the subjects that was touched upon, not having been specially consulted respecting any plan of locating the Settlers there, Declarant did not give it much reflection, nor was he aware at the time that Government had formed any intention of the sort.

Mr. Buissinne was sent up to Clan William, and made an Official Report, which Declarant does not remember to have seen. On a reference to this Report, he conceives from his recollection of the Situation that the resources of it have been considerably overrated.

The Jan Dissels Valley contains a fine Stream of Water, led out from the River of that name. On one side of the Stream the Soil is Sandy, and on the other side Karroo. The latter might be irrigated by leading out the water of the river on that Side, and would be fit for Corn Cultivation. This he has heard was once attempted by a former proprietor, who failed from a deficiency of means. The valley itself is well adapted for the Cultivation of Rice, but not for Corn, with

the exception of the Carroo Land abovementioned. One other of the vallies mentioned in the report is also well supplied with water; believes that it is the Great Partridge Valley; with respect to the other vallies he has no distinct recollection but conceives that Mr. Buissinne has calculated their resources much too highly, and that they were incapable of maintaining the number of Families he has stated. In other respects his Report appears tolerably correct.

(Signed) D. J. VAN RYNEVELD.

Mr. Buissinne was also sent to negotiate the purchase of a place belonging to Mr. Casbart Albertyn, situated on the River Zonder End in the Stellenbosch District. Declarant was not aware at the time of the object of this purchase by Government, but concluded it was for some of the Emigrant Settlers. Some time after they had been located on the Zonder End, they were connected with the District of Caledon and removed from the Jurisdiction of Stellenbosch, being nearer to the former Seat of Magistracy. Previously to this change, complaints were made by those Settlers (who travelled a distance of about nine hours to prefer them). But Declarant does not recollect to have heard them complain of their location. Believes that very few now remain upon it.

(Signed) D. J. VAN RYNEVELD.

[Copy.]

Letter from LIEUTENANT COLONEL BIRD *to the* COMMISSIONERS OF ENQUIRY.

CAPE, 14*th July* 1824.

GENTLEMEN,—I have the honor to transmit to you herewith my reply to your Letter of the 18th of last month, together with my refutation of the Charges against me compiled by you from Mr. Parker's memorial and affidavits.

It has distressed me much to have been so long in sending you these papers, but unassisted, it has taken me, in my infirm state, longer time than I expected to copy and recopy them, they are besides more voluminous than I wished or anticipated. Should there be any point which you do not think fully replied

to or completely refuted, I shall be happy to give any further elucidation which may be necessary. I think however all is clear as possible and as it ought to be.

I take this opportunity to observe that I shall be equally ready to refute, either charge, Slander, or Insinuation, which may reach you in my regard or which may have been whispered (according to the practice of the place) relative to my public or private character or conduct.

I have no doubt of having it in my power to remove from any impartial minds those impressions which may have been made upon you at your first arrival injurious to me, with as much facility as I have replied to Mr. Parker. What I require is only an Opportunity for so doing.

I have &c.

(Signed) C. BIRD.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LIEUTENANT COLONEL BIRD.

CAPE TOWN, *15th July* 1824.

SIR,—Having found it necessary in the course of our Inquiries into the Complaints of the English Settlers in Albany to inform ourselves of the grounds upon which the Acting Governor Sir Rufane Donkin resolved to continue the general issue of Rations to them, after the expiration of two months from their arrival on their respective Locations, and to withhold the payment in Money of the remaining Instalments to which the Settlers were, or would have become entitled, we have the honor to request that you would have the goodness to furnish us with any explanation of the reasons that may in your opinion have guided the determination of Sir Rufane Donkin in this respect, and to refer us to any minute in the Colonial Office or to any Dispatch addressed to His Majesty's Secretary of State for the Colonies, in which the reasons for the measure are unfolded.

We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Original.]

Letter from SIR HERBERT TAYLOR *to* R. WILMOT HORTON, ESQRE.

HORSE GUARDS, 15 *July* 1824.

SIR,—I am directed by the Commander in Chief to refer to you, for such attention as Earl Bathurst may consider the subject deserving, the enclosed letter and accompanying documents from Mr. Alexander Biggar, now residing near Graham's Town, Cape of Good Hope. Mr. Biggar was formerly Paymaster in the 85th Regiment, from which situation he was dismissed by the sentence of a General Court Martial for malversation in his office. I have &c.

(Signed) H. TAYLOR.

[Enclosure 1 in the above.]

WOODLANDS, NEAR GRAHAM'S TOWN, CAPE OF GOOD HOPE,
8th March 1824.

SIR,—I have the honor to enclose to you some papers relative to an extraordinary transaction which has lately taken place in this Colony, and which has involved me in a manner as unprecedented as it is unmerited, I have to request you will be pleased to lay them before His Royal Highness the Commander in Chief, confidently hoping for that protection and redress, which the injured unfortunate, from the well known humanity of His Royal Highness, has ever been emboldened to expect.

In recapitulating the circumstances which led to the Cause of my complaint, allow me briefly to state that I submissively bowed to the sentence of the General Court Martial upon me in May 1819, and did all that was left me to comply with its decision.

Reduced however from my rank in life, deprived of the benefit of twenty-four years Service, and despairing, with such a numerous family of again placing them in that state, to which their education entitled them, I took advantage of the offers held out by the British Parliament to emigrate to this Colony, where I fondly hoped by honest industry, to be enabled to support them, and likewise to accelerate that oblivion of

my offence which the laws of my native Country so humanely inculcate.

The total failure of my Crops for four seasons has hitherto prevented me from profiting by my land, but my conduct and misfortunes had gained me friends, and I experienced the heartfelt gratification of having my family *noticed* and *invited*, by the first authorities, both Military and civil, and I was also received at the Messes of the Cape Corps and other Regiments ; such was my situation when the unfortunate and accidental occurrence of the 4th ulto. took place.

I was at dinner with a friend not far from the Barracks, and an officer of the Cape Corps was then present, when we heard of the illuminations in Graham's Town, we mounted our horses and rode to the Cape Corps Barracks, where I saw a Troop was getting ready to go into Graham's Town, and as I heard, for the purpose of putting an end to the firing* which was occasioned by the rejoicing on the arrival of His Majesty's Commissioners, I followed the Troop into Town and on my arrival, alighted and led my horse up the street, conversing with a few friends, as the Hottentot Cavalry were riding about very violently, we made room for them and retired to the end of a Store, at this instant a sergeant's party of the 6th Regiment came opposite to us and the Landdrost who was walking in front of his horse with his Lady and her sister, immediately advanced, and without addressing us hollowed out, " Soldiers, take those people into Custody, present your Bayonets." Surprised and astonished at this proceeding, for there was not the smallest appearance of a riot, in fact there was not thirty people present and these were Housekeepers, who had their wives with them, attracted out by the novelty of an illumination in Africa, I remonstrated against this Conduct, the Landdrost retired without saying a word, leaving us in the Custody of the soldiers, but the Commandant came up and the conversation ensued which is noticed in Captn. Campbell's Letter to him No. 2, he then ordered the soldiers to disperse the *mob*.

The next morning the correspondence No. 1 to 6 took place and I intended the affair should rest until such time as His Majesty's Commissioners of Inquiry were at leisure, when it

* Firing of muskets is the usual mode of expressing the respect entertained by the inhabitants of Africa to persons in power.

was my intention to have applied to them to investigate it. Three weeks afterwards, the return of the Post from Cape Town brought the Newspapers, one of which is inclosed No. 9, to Graham's Town. Judge of my agonized feelings on reading the letter which purports to give an account of what had passed in Graham's Town.

The expressions attributed to me I can solemnly deny before God and man, and I can bring forward many respectable people to support my assertions, but as I am amenable to the laws, why not prosecute me and let me be punished if I have done wrong.

But why by the republication of a Sentence should I be twice punished for one offence, why should my wounds be again opened, why should my beloved partner, fast drooping from Continued disappointments, have in addition, all her former sufferings renewed, and *why* should our twelve innocent offspring have again to blush, for the almost forgotten failing of their Father ?

As you may be unacquainted with the state of the press of this country, I must explain that I can have no redress against the publisher, for the paper in question is the official one and the editor is Captn. Fitzroy the Military Secretary and aid de Camp of our Commander of the Forces, and from a perusal of the letter No. 7 to Major Somerset, you will see that I am warranted, in concluding that the insertion of the Sentence has been authorised by the Governor, from his having repeated it in general orders to the Cape Corps.

In this Country I have no hopes of justice and every thing to fear, to His Royal Highness The Commander in Chief, I therefore appeal, and with Confidence, the wise regulations emanating from His Royal Highness, and to which the British Army owes its present greatness, will not I hope be set aside in my instance, nor will I trust be made a precedent, for the persecutions of any other unfortunate individual. The papers 1 to 12 inclosed are faithful transcripts and originals.

I shall make no further Comment on them, but await with patience such protection and redress as His Royal Highness may be graciously pleased to afford. I have &c.

(Signed) ALEX. BIGGAR.

[Enclosure 2 in the above.]

Captain Campbell presents his Compliments to Major Somerset and requests to know when and where it will be convenient for Major Somerset to see Captain Campbell for a few minutes, as he is instructed to make a Communication to Major Somerset.

Thursday, 11 o'clock, 5th February 1824.

[Enclosure 3 in the above.]

Mr. Biggar applied to me this morning to convey a message of a hostile nature to you, in consequence of some words you addressed to him last night.

I informed him that for particular reasons I could not be the channel of such a Communication but that as far as my efforts could avail in producing a pacific arrangement they were at his service.

Not being able to attend you at your office this morning at the time appointed I beg now to state, that the particular expressions Mr. Biggar requires an explanation are those you used when he announced his name, (viz.) " I will do for you my man, I will put you in the Tronk."

The manner in which these words were expressed has conveyed to Mr. Biggar an impression that some hostile feeling had previously been entertained by you towards him.

I have &c.

(Signed) D. CAMPBELL.

[Enclosure 4 in the above.]

The Commandant of the Frontier begs to acknowledge the receipt of Captain Campbell's communication. The Commandant of the Frontier has no communication to make to Mr. Biggar on the subject of what occurred last evening when in the execution of his duty.

Graham's Town, February 5th 1824.

[Enclosure 5 in the above.]

We (*Cape Town Gazette*) have been favoured with the perusal of a letter from the Frontier giving an account of the late Riots in Graham's Town, from which the following is extracted :—

" 7th February.

" The Commissioners arrived the night before last. The town was illuminated, and the people, at about ten o'clock, began firing. The troops in the barracks, not being aware that the Commissioners had arrived, and from the distance of the barracks from the town, not seeing the illumination, thought that the Caffres had made an irruption, and the troop, (Cape Cavalry), marched to the town, under the command of Captain Taylor. When they arrived (as they thought) to assist the unprotected inhabitants, they were received with groans and hisses, and abusive appellations,—such as—'Piccadilly butchers,'—'Caffre hunters,'—&c., &c.; and as they moved on to suppress the firing, by order of the Landdrost, these symptoms of disaffection became more pronounced, and bullets were fired at the soldiers;—about Brigade-Major O'Reilly's house, they were discharged in abundance.

The soldiers patrolled all that night and last night,—to-night it is expected all will be quiet.

The boors and people from all round the country for miles, came galloping in, thinking the Caffres had come.

The people who were here during the attack in 1819, said that the Caffres came on so suddenly, and the firing commenced so irregularly, that they were, on this occasion, persuaded that the same event had happened,—but that night had been chosen on the present occasion; the day attack having before failed.

Major Somerset (the Commandant) was insulted in a most unprovoked and uncalled for manner, by Mr. Biggar (*cidevant* Paymaster of the 85th Regiment,—who was cashiered,*) and

* Paymaster Alexander Biggar, 85th Regiment, found guilty, by sentence of a general Court Martial, held at Plymouth, May 5th, 1819, of having embezzled several sums of money, obtained from the War Office, amounting to £1,300 or thereabouts, and for most disgraceful and infamous conduct, in endeavouring to persuade Wm. Buckmaster, Serjeant, and Paymaster's Clerk in the Regiment, to desert, for the purpose of thereby lessening the body of

Mr. Phillips ;—two persons who came out as Heads of Parties, and who had been treated with great kindness by the Government,—this was done before *all the rest of the rabble.*—He damned him—called him a liar—damned his father—the Government ;—and went on in the most violent manner possible.

In justice to the Commandant, I must observe, that he bore these outrageous insults with great temper and moderation ;—in the first place, giving them no cause for this conduct ; and in the second, making no retort, and using no violence whatever.

I must add, that Mr. Geary, the Clergyman to the troops, and to the station, (in both instances Government appointments) had his house illuminated one of the first ;—and was out, in the streets, cheering the mob most loudly, and swinging his hat over his head, in a manner very indecorous, (to say no worse,) in a Clergyman ! ! "

[Enclosure 6 in the above.]

CAVALRY BARRACKS, *February 5th*, 1824.

MY DEAR MR. BIGGAR,—Our Commandant assembled the officers of the Corps this morning and stated that he had been insulted and abused while in the performance of his duty last night by you and others, but particularly by you ; and he was corroborated in his statement by one or two other officers. As no one took upon himself to deny this story it was voted so great an insult to the Corps that no officer could possibly for the future enter into your Society or be known to countenance you in any way.

Under these circumstances your own Sense will convince you that Bird and myself have but one way to act.

Should it be subsequently proved that there has been a misunderstanding things will go on between us as formerly, and you will I trust excuse the straightforward style of this note, the subject being such as to require coming at once to the point. I am &c.

(Signed) W. H. ROGERS, Lt. Cape Corps.

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evidence against him. On which charges Mr. Biggar was sentenced to be cashiered, and to make good the sum of £1,300. (*Vide* James's Courts Martial, page 825.)

[Enclosure 7 in the above.]

GRAHAM'S TOWN, *6th February* 1824.

GENTLEMEN,—Having been informed that Major Somerset yesterday assembled the Officers of the Cape Corps and stated to them that he had been insulted and abused while in the performance of his duty on Wednesday night by me, and that you have voted this so great an insult to the Corps that no officer belonging to it can possibly for the future enter into my society, or be known to countenance me.

Had the circumstances been such as Major Somerset represented them I could not complain of the resolution you have come to, but when I have submitted my statement to which I request your attention, I have no doubt you will see I have been the person aggrieved, and not Major Somerset.

I entered Graham's Town shortly after Captain Taylor and was standing in the Street opposite the Landdrost's house where I had only been a few minutes when Mr. Rivers ordered the Military to take me and those who stood near me into custody which order was immediately repeated by Major Somerset. I demanded of the Landdrost why I was taken into Custody, and after some warm words Mr. Rivers retired. I then addressed Major Somerset and asked why I was made a prisoner. He replied because I was rioting in the street. I denied that I had done so, he rejoined "I was informed so." I observed whoever informed you so told you a falsehood; much angry altercation took place between us, and among other expressions, Major Somerset used the language which forms the subject of the accompanying correspondence, which I beg to submit to your perusal.

I am accused of using gross personal language to Major Somerset. I declare upon my honor, I did not make use of the expressions attributed to me, and this can not only be proved by many respectable persons who were standing by at the time, but I conceive it admits of proof from Major Somerset's own Words, for when I demanded the reason why I was to be sent to the tronk, Major Somerset, in his reply, alluded to an expression supposed to have been addressed by me to the Landdrost, but no allusion whatever was made to my language applied personally to himself, which would un-

doubtedly have been the case had such taken place, nor can it be supposed that had I given such strong provocation, I should have demanded an explanation next morning for expressions infinitely less irritating than those I am accused of having addressed to him.

There are some circumstances in this case to which I request your particular attention. You will perceive by the enclosed correspondence that Major Somerset was informed at 11 o'clock that a particular communication was to be made to him at 12 o'clock and before he received the communication he went to the barracks and having assembled the officers he made to them the statement which has caused me to address you. Such a proceeding requires little comment, nor can it admit of any other explanation than that he was desirous of sheltering himself from the consequences of his conduct of the preceding evening, by producing a feeling hostile to me among the officers of the Corps.

I with great confidence submit this statement to the candour of the officers of the Cape Corps, feeling persuaded that if a stain rests upon the character of either of the parties concerned, it is not upon mine. I have &c.

(Signed) ALEX. BIGGAR.

To the President of the Cape Corps Mess,
Graham's Town.

[Enclosure 8 in the above.]

The Officers of the Cape Corps beg to acknowledge the receipt of Mr. Biggar's communication of yesterday's date with its enclosures, and in reply beg to inform Mr. B. that they are perfectly satisfied with, and highly approve of the line of conduct adopted by Major Somerset in the transaction alluded to, and therefore request that no further correspondence may take place.

CAPE CORPS BARRACKS, *7th February* 1824.

[Enclosure 9 in the above.]

NEWLANDS, *20th February* 1824.

SIR,—I have the honor to acknowledge the receipt of your letter transmitting to me copies of a correspondence which

took place between yourself and Captain Campbell and Mr. A. Biggar and the Officers of the Cape Corps on the 5th and 6th inst., and I beg you will convey to the Officers of your Corps my highest approbation of their conduct on this occasion, as well as of your own, no line could be adopted which tends more effectually than this, to support the cause of Military discipline or uphold the character of the Corps, and as it may be satisfactory to your Corps to know that the Individual whom they have treated with such becoming contempt has been convicted of the greatest Peculations as well as of the basest turpitude in having attempted to suborn a Non Commissioned officer in His Majesty's service from his duty in order to obstruct the ends of justice by lessening away the Sergeant's evidence on his trial, I enclose you for *their* information an *authentic copy* of the *charges and sentence* held on Mr. A. Biggar at Plymouth Dock in May 1819. I have &c.

(Signed) CHAS. H. SOMERSET.

To Major Somerset.

[Enclosure 10 in the above.]

HEAD QUARTERS, 19*th February* 1824.

The Landdrost of Albany having expressed to the Commander of the Forces the obligation under which he feels himself to the Officers and Men on duty at Graham's Town on the night of the 4th instant, by whose prompt and able assistance and exemplary forbearance a tumult of a most dangerous character was quelled without any casualty having occurred, The Commander of the Forces begs to express to every Officer and Man employed on that occasion his best thanks for the activity and soldierlike conduct they displayed, and most particularly for the temper and forbearance with which they executed their duty under circumstances of extreme provocation.

His Excellency the Commander of the Forces has been pleased to dismiss the Revd. Wm. Geary from his appointment as chaplain to the Forces in Graham's Town, and he is hereby dismissed accordingly.

(Signed) M. G. BLAKE, Depy. Adjt. Genl.

[Enclosure 11 in the above.]

One Hundred Rix Dollars Reward.

An anonymous letter having appeared in the *Cape Town Gazette*, containing most libellous and infamous aspersions on the whole body of the Inhabitants of Graham's Town, but more particularly on us the undersigned, we hereby offer the above reward to any person who can give such information as will lead to the detection and conviction of the author.

ALEX. BIGGAR,
THOMAS PHILIPPS,
REVD. WM. GEARY.

[Enclosure 12 in the above.]

Extract of a letter from Mr. Fleming of the House of Messrs. Heugh & Co., dated Uitenhage, to his correspondent in Graham's Town, that Gentleman having been an eye witness to what took place on the evening of the 4th February, 1824.

"What think you of the infamous letter in the papers regarding the row, what can be the character of that man who could sit down and tell such infamous lies, the remarks upon Mr. Biggar shew the deepest Malignity, I wait to see if the Gentlemen therein mentioned act with a spirit becoming the indignities thrown on them."

[Enclosure 13 in the above.]

GRAHAM'S TOWN, *2nd March* 1824.

SIR,—The account in the *Cape Town Gazette* of the 21st ultimo of what is termed the late Riots in Graham's Town being manifestly intended to degrade the Settlers in the Public opinion, by imputations of unruliness and disloyalty, as one of this persecuted body of people thus grossly slandered, I think it my duty in vindication of my own principles to declare that the whole of the extract is a tissue of misrepresentation and falsehood.

It is true that the Inhabitants of Graham's Town under the sudden influence of feelings of uncontrollable delight, upon the arrival of the Commissioners of Inquiry manifested their joy by firings and illuminations, a very natural tribute of respect

to functionaries of their consequence and from whose labours they have so much reason to calculate on a new order of things in this Colony.

The sentiment was universal, and the expression of it simultaneous. It is also true that this feeling by anticipation might be construed not very complimentary to the Colonial mode of discipline, and that, in exact proportion to the zeal of this all hail, may possibly be deduced a corresponding reproach elsewhere, but that beyond the cause I have stated and the effect which followed, the Settlers merit any shadow of imputation, much less the brutish and ferocious attack of the Military, which ensued, I most solemnly deny, and the writer of this intelligence, be he whom he may, unless imposed upon himself, should be held up to public hatred and execration for his Calumny.

Fortunately for myself I was not in Graham's Town during this firing of bullets or from late experience I have a presentiment that I should not now be in a condition to make this remonstrance, but I, who distinctly heard the firing felt neither apprehension or alarm, naturally concluding that it was a public emanation of joy on the arrival of the Commissioners.

That this event should have been unknown to the Troops at the time they left their quarters is an assertion absolutely incredible, I residing three miles from Grahams Town beyond the Barracks was acquainted so early as six o'clock in the evening that the Commissioners were expected hourly, and that preparations were then making by the Landdrost for their reception, surely this intelligence which circulated with such extraordinary rapidity in every other direction would not have been exclusively kept from the Barracks so many hours, with the constant communication which is almost momentarily passing between the two places, but conceding this point to your informant which involves the measures of that night in still greater absurdity, as, if it is an argument at all, it is one of apology, for the intrusion of the Military, what occasioned them to persevere after discovering their error, a detection which must have followed their entrance into the Town almost instantaneously.

That balls might have been fired, a charge resolutely denied, is not improbable, in the exuberance of their joy the loaded

muskets were very likely discharged, shotted as they found them, tho' with the instinctive precaution which governs every man upon such occasions of pointing his piece with sufficient elevation, you are not however to conclude from this hypothesis that bullets were fired, or that the truth of this assertion is in any way admitted, and with respect to the time of firing I must positively own that it commenced before 9 o'clock.

If the Inhabitants of the town, for they are too few in number to justify the term population, and they have no distinguishing claim to the epithet Rabble, suffered more hasty expletives to escape them, it stands upon unquestionable proof that not a hiss or a murmur was heard until the assault of the Troops commenced, and then the only indication of opposition, on their parts to an aggression so wanton and unprovoked, was remonstrance and expostulation. I was in Grahams Town the great part of the following day, and I will venture to assert, without fear of successful contradiction, that not two persons can be found in the whole district who came that day to Grahams Town in consequence of the overnight firing, altho considerable numbers arrived to attend the sitting of the Commissioners.

Whatever disputes arose between Mr. Biggar and Mr. Phillips with the Landdrost or Commandant, they evidently resulted from the call upon the Military, and as this colloquy appears to be the greatest charge advanced, how can this consequence of an act, by any mode of perversion be distorted into the cause of it, and upon what other point does the Government rest the necessity of its interference.

The language imputed to Mr. Biggar is not only disclaimed by him, but is absolutely denied by every person in his company, and the terms " Piccadilly Butchers and Caffre Hunters " are equally declared to be inventions, or quotations from that vocabulary authority ever has at hand when it becomes expedient to brand the subject with radicalism and disaffection, but it will be found a charge of questionable authority altho' omitted by the writer of your report, that the most intemperate terms of reproach were used by the Military to the Settlers and that an Officer of the Cape Corps should be found sufficiently zealous in his delegation as to exclaim, while chasing a poor

tailor into his house, "cut the b—— down, blow the bloody b——'s brains out."

Upon the whole, a more scandalous libel upon an oppressed but meritorious body of people, nor one where the design of the slander is so palpably manifest, were ever promulgated, but fortunately in this instance policy has overshot its mark, and no doubt exists that a general vindication awaits the Settlers, from sources unpolluted by the Corruption which has made it so long necessary to stigmatize and traduce them.

With an unfortunate epoch in the life of Mr. Biggar this question is in no one shape included, and every feeling mind must revolt at the vindictiveness which could thus give it unnecessary publicity, the laws of his Country have visited with their ever tempered severity, whatever offence he may have committed, and no power has a right to inflict upon him one pang of additional punishment; the inhumanity of this proceeding, which chiefly aims its shaft at the peace of an innocent wife and family, so situated as acutely to feel its venom, might well have been spared, for while it snatches from oblivion an occurrence to which time was fast consigning it, for no other purpose but to inflict and lacerate, it shews the monstrous anomaly of a press accessible to unwarrantable attacks upon private Character, but impenetrably closed against vindication or defence. It will be fruitless to expect the publication of this letter at your hands, that an antidote may therefore accompany this detestable passion against the moral vitality of the Settlers, I shall lose no time in forwarding copies of it to the London press. I have &c.

(Signed) B. BURNETT.

To Captain Fitzroy,
Superintendent of the Press,
Cape Town.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LIEUTENANT COLONEL BIRD.

CAPE TOWN, 16*th July* 1824.

SIR,—We have the honor to acknowledge the receipt of Your Letter of the 14th Inst., and availing ourselves of your

obliging voluntary Offer to afford us any further elucidation upon the points connected with your replies to Mr. Parker's charges, we have the honor to request that you would inform us at what period it was that you represented to Lord Charles Somerset, and in conjunction with the Colonial Chaplain urged the expediency of taking advantage of the wish that so generally prevailed in the protestant part of the community, to have a Protestant Church erected in Cape Town, and whether the Revd. Mr. Hough was the person who at that time filled the situation of Colonial Chaplain. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Evidence given by CAPTAIN WALTER SYNNOT *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 16*th July* 1824.

You came to the Colony as Head of a Party of Settlers that were located at Clanwilliam ?

Reply. I did.

Of what number did they consist, and what other parties were established with you ?

Reply. My Party consisted of eleven families, including my own. The other parties were those of Mr. Ingram, consisting of about 27 families, Captain Butler's, consisting of ten families, and Mr. Parker's, which may have included 12 or 14 families, but I do not exactly remember the number. Mr. Shaw and the Revd. Mr. McCleland came out with the party of Mr. Parker.

How were the parties located at Clan-William ?

Reply. My party was located in the Seacow Valley, adjoining to the Drostdy Lands. Mr. Ingram was located in the Two Partridge Vallies, Mr. Parker's in the Kleine Valley, and Captain Butler in the Taaybosch Kraal.

What is your opinion of the resources of those lands for the support of the Settlers located upon them ?

Reply. I consider that they were altogether inadequate for their support. My own Location I conceive was not calculated to maintain more than one family. The Partridge Vallies about one family, the Taaybosch Kraal the same, and the Kleine Valley might support two families. In this estimate I allude to the means afforded of establishing and providing for this number of families on the land, by cultivation and by the stock it would be able to support throughout the year.

In what manner were the Settlers disposed of, on discovering the inadequacy of the Lands to maintain them ?

Reply. I applied for and obtained permission to discharge my Servants, who for the most part obtained employment in Cape Town. Captain Butler removed with his Party to the Zuureveld. Mr. Parker's Settlers were permitted to sell the Lands assigned to them, and of these Mr. Shawe and the Revd. Mr. McCleland alone remained. Mr. Ingram has retained his Land, but discharged his people, (who were bound servants) from time to time, receiving from them certain sums as the price of their release from engagements.

Who occupy the Lands at present, and how much of them may have been brought into cultivation ?

Reply. I have continued to occupy my Land, together with the Drostdy Land, and had last year about fifteen acres in cultivation. Mr. Ingram's location, which includes that of Captain Butler, is occupied by a Farmer named Du Toit, who has ploughed up and cultivated about 15 or 20 acres. Mr. Shawe has let the Kleine Valley (Parker's) to two Dutch Farmers for this Season, who have ploughed and cultivated about 50 or 60 acres.

How long did Mr. Ingram reside on his Lands ?

Reply. About two Seasons.

What extent of Land did he cultivate at that time ?

Reply. About six or eight acres, partly in rice, and a part in wheat, he had also a small garden.

What do you consider is the utmost quantity and value of the produce raised upon the Land under cultivation on Mr. Ingram's Estate ?

Reply. I do not consider that more than 30 or 40 muids of corn could have been reaped from the Land in Cultivation, and the value of it would not exceed 250 or 300 Rix Dollars (£25

or £30). I can ascertain this with accuracy on my return to Clanwilliam.

What quantity of Stock had Mr. Ingram on his Land, and how much did he retain when he left it ?

Reply. When Mr. Ingram quitted his Location, I sold his Property as Vendue Master, he retained a few Cows that he had purchased from Mr. Bergh, and I am not aware that he left any other Stock on the Land.

Had he any Cattle of the European breed or Merino Sheep ?

Reply. The Cows he left were of the Vaderland breed. I never saw more than One or Two Merino Sheep belonging to him, but I have the means of ascertaining precisely what he possessed on my return to Clanwilliam.

Is the employment of Slave labour on the locations at Clan-William prohibited in the grants, and have any of the English Settlers possessed Slaves ?

Reply. There is no such prohibition that I am aware of, but I have not taken out my grant yet. Mr. Ingram I believe is the only Head of Party who has received his Title deed. Mr. Ingram purchased one male Slave from Mr. Bergh, and the Revd. Mr. McCleland has lately purchased one. I am not aware of any other Settler at Clan-William who possesses a Slave.

You have seen the Report of Mr. Buissinné respecting the Lands at Clan-William. Do you consider it to contain an accurate description of them ?

Reply. The description of the Land and of the Country in general is accurate, but the Estimate he has given of the quantity of arable Land is much too high, and its capabilities of supporting the number of Families he has stated.

(Signed) WALTER SYNNOT.

[Copy.]

Letter from LIEUTENANT COLONEL BIRD *to the* COMMISSIONERS OF ENQUIRY.

LIESBEEK COTTAGE, 17*th July* 1824.

GENTLEMEN,—In reply to the Query in your letter of the 15th Instant wishing to ascertain the grounds upon which the

Acting Governor resolved to continue the general issue of Rations to the Settlers after the expiration of two months from their arrival on their respective Locations &c., I have the honor to inform you that I have no Memoranda here from which I can refresh my memory on these points so as to be as accurate as I could wish. Sir Rufane was on the frontier at the time (I believe) with Mr. Ellis, and I think the measures were then decided on, probably in consequence of no progress having been made in the cultivation of the Locations, of the total want of Market in the Zuurveld, and of the distance of time from the period June to the Harvest. I know that subsequently many petitions were received from Settlers praying that Rations might be continued to them; and I have no doubt some light might be thrown on the subject by examining Sir Rufane Donkin's Despatch Book which is in the Colonial Office. I have &c.

(Signed) C. BIRD.

[Copy.]

Letter from LIEUTENANT COLONEL BIRD *to the* COMMISSIONERS OF ENQUIRY.

LIESBEEK COTTAGE, 17*th July* 1824.

GENTLEMEN,—In reply to your letter of yesterday I beg to say that I am not perfectly sure of the year in which Lord Charles Somerset was spoken to relative to the Building a Church for the Protestant Congregation, but I went to Newlands at Mr. Hough's request, and with him, for the express purpose of communicating with His Excellency on that Subject. Mr. Hough saw the Governor thereon, with the result which I stated in my reply to Mr. Parker's charges.

I have frequently spoken to Mr. Hough on the subject since, and the very last time I saw Mr. Hough at the Colonial Office, in speaking of building a Church and of the plan of letting pews, I recalled to him the Circumstance, saying that a Church would have long since been built but for Lord Charles' hostility to subscriptions. I have &c.

(Signed) C. BIRD.

Return of all Commandos or Expeditions against Bosjesmen, as far back as the same are recorded at the Drostdy of Stellenbosch.

Date.	By whom the Commandos and Expeditions have been effected.	Number of Bosjesmen.			Remarks.
		Killed.	Wounded.	Taken Prisoners.	
1797. Jan. 10.	Jacobus Gideon Louw, J. S. field commandant (two Commandos) - - -	7	–	13	- - These two Commandos have been effected, on account of the Bosjesmen having stolen from the inhabitants upwards of 100 head of cattle, and killed the herdsmen.
1798. May 19.	Johannes Abraham van Wyk, field corporal at Hantam -	–	–	–	- - This Commando has been effected on account of repeated robberies of cattle and murders by the Bosjesmen, and no mention is made in the report sent in, of Bosjesmen being either killed, wounded or taken prisoners.
Dec. 4.	Jan van Wyk, inhabitant of Roggeveld - - -	–	–	–	– – This Commando has been effected on account of an attack made by the Bosjesmen, on the farm of the widow Gert Visagie, and it does not appear in the report sent in, that any have been killed, wounded, or taken prisoners.
1799. Feb. 2.	Field-cornet J. M. de Wet -	–	–	–	- - Effected for several robberies committed ; no mention is made in the report of any being killed, wounded, or taken prisoners.
Aug. 4.	Field-cornet Jacobus Pienaar, at Hantam - - -	–	–	–	- - This Commando has been effected by order of the landdrost, no Bosjesmen however have been killed, wounded, or taken prisoners, only three of them were seen, but escaped.

19.	Johannes Abr. van Wyk, field-cornet - -	4	-	-	- - Effected in consequence of robberies committed by the Bosjesmen.
31.	Jacobus Gideon Louw, field commandant at Hantam -	10	4	3	- - As above.
Sep. 1.	Ernest Hendrik Wolfaart, field-cornet - -	11	-	3	- - In the report is not mentioned what has been done with the prisoners.
-	Abraham Mouton, field-cornet - - - -	11	-	3	- - Same remark as above; and these two last Commandos have been effected for robberies committed by the Bosjesmen.
1800.					
Sep. 1.	By order of Field-cornet Marits - - - - -	-	-	-	- - Effected in consequence of repeated robberies; no Bosjesmen seen, but some stolen cattle found and taken.
9.	Ditto - - ditto - - -	-	-	-	- - - Ditto.
1802.					
Jan. 21.	Jacobus Kruger, field-cornet at the Coup - - - -	-	-	-	- - No Bosjesmen have been seen, as appears by the field-cornet's report.
April 2.	Ditto - - ditto - - -	2	-	-	- - This Commando effected for cattle theft by the Bosjesmen.

This formed at the Secretary's Office, Stellenbosch, from the reports received from the different field-cornets, as being the only records kept in this respect, and from which the above-mentioned return has been extracted, July 17, 1824.

(Signed) P. C. VAN BLOMMESTYN, Secretary.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LORD CHARLES SOMERSET.

CAPE TOWN, 20*th July* 1824.

MY LORD,—In pursuance of the Instructions that we have received from Earl Bathurst to communicate with your Lordship unreservedly upon the various subjects of complaint that were found embodied in the Address transmitted by the Settlers to England in the year 1823, we do ourselves the honor before we make any Report on the subject to His Majesty's Government, to lay before your Lordship the substance of the information that we have received in the course of our visit to the Albany District, as applying to each particular head of complaint either in the shape of explanation of what was obscure or of confirmation of what the Settlers had alleged.

Under the hope that we are thus completely fulfilling the spirit of Lord Bathurst's Instructions, and that by affording your Lordship a view of the materials upon which we shall have to form our opinion, we may have the benefit of your Lordship's observations, either in confirming such part of our information as you may find to be correct, or of correcting such as may appear to you to be wrong. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Enclosure in the above.]

Substance of the Information received by the Commissioners of Inquiry in the course of their visit to the District of Albany, upon the various subjects of complaint embodied in the Address transmitted to Earl Bathurst by the British Settlers.

The 1st and 2nd Paragraphs of the Memorial do not appear to the Commissioners to require explanation.

3rd Paragraph.

The measures alleged by the Settlers to have arisen from the misapprehension of the general or local Auth[illegible], consisted of the facilities afforded by the Local M[illegible] especially

by Captain Trappes, to the indentured servants to retire from their engagements that they had entered into in England with the individuals who had agreed to bring them out. From the letter addressed by the Deputy Secretary Mr. Ellis to Captain Trappes, it does not appear that the Government had it in their power to refer the Magistrates to any precise Law in which the relation of Master and Servants was defined, or to point out the penalty by which their reciprocal engagements might be enforced.

The Law of Passes by which some restriction is applied to the unauthorized removal of individuals from one district of the Colony to another, was recommended by the Acting Governor as affording the best means by which coercion might be enforced, and it appears that this principle has in some instances been applied at a late period to prevent the removal of some individuals from one Location to another, and to bring back others to their locations who had sought employment in other parts of the Colony.

The dissolution of Parties, though in some instances admitted to be necessary, from the inability of the Heads of Parties to provide subsistence and necessaries for their articled servants, is alleged to have produced a spirit of insubordination amongst this class of Emigrants, and when followed by the issue of Rations by Government, an entire independence of the control of the Master.

It is also asserted that there existed no necessity for the general issue of Rations to the Settlers, beyond the expiration of the two months after their first arrival on their Locations, as the Mechanical and Labouring Classes could readily have obtained employment, and did so when the issue of Rations had been discontinued, and that the payment in Money of the remaining Instalments to the Settlers who had made Deposits in England would have enabled them to practice a more strict economy in the subsistence of their Labourers.

The indiscriminate manner in which the issue of full Rations was made, had the effect of raising the price of labour in the Albany District, and of creating habits of idleness amongst persons who, but for the existence of a certain resource, would have felt the necessity of being industrious, and of relying on their own exertions.

It is pretty generally admitted that the establishment of the Village of Bathurst as a central Seat of Magistracy of the Albany District was a disposition very favorable to the emigrant Settlers, but unfair with regard to the Inhabitants of the other portions of it.

Without entering into a consideration of the superiority of Graham's Town to Bathurst as a Military Station, or of the immediate benefits arising from an increased demand for produce, or whether these benefits are not more than balanced by the relaxation of Morals, and the dissipation that are consequent to it, the Commissioners have found the complaints of the removal of the Seat of Magistracy from Bathurst to Graham's Town have proceeded partly from the loss of time and of Capital that the measure occasioned to persons who had been induced to build at the former place and to purchase Erven with that view, and partly from the inconvenience that they continue to suffer from their distance from any Magistrate.

It is further alleged that the losses would have been less severely felt if the removal had been less abrupt, and if a Special Heemraad had been appointed to reside at Bathurst with power to adjust the petty Complaints of the Inhabitants.

The System of Military defence adopted by the Acting Governor Sir R. Donkin, and to which the Settlers state themselves to be indebted for exemption from the depredations of the Caffres, is alleged to consist of the occupation of several Posts on the Fish River, and the immediate pursuit and punishment that followed any act of depredation, in consequence of the early intelligence that was communicated to the nearest Post by means of Hottentots who had Horses always to convey them.

The Commissioners have not yet been able to form a judgment of the result of the different systems of defence of the Frontier, as they have not yet received a return of the number of Cattle taken from the Inhabitants in each year, and the number of Cattle that have been recovered.

A System of conciliation towards the Caffres and a restricted Commercial intercourse with them, are measures that have been much recommended to the consideration of the Commissioners as more likely to put an end to their predatory habits

than any systematic prohibition or exclusion of them from the Frontier.

The solicitous attention of Sir R. Donkin to the interest and wishes of the Settlers said to have been manifested by promises of augmenting the size of the Locations of those who were industrious and by the two visits he made to the Frontier. It is admitted that these promises were not always made with the consideration that they required; and it is in proof that some of them were revoked at very short periods after they were given.

4th Paragraph.

In this Paragraph allusion is intended to be made to the nature and extent of Authority exercised by the Governor; it is referred to the consideration and for the report of the Landdrost, that an opportunity is thus given to this Officer of pursuing the dictates of his own inclination towards the Parties, and of making such representations as may influence the decision against them, without their having any means of affording further explanation in reply.

It is also alleged that very great delays have been experienced in this mode of communication; that enquiries at the Landdrost's office are treated with indifference and frequently with rudeness, and that much time is lost and inconvenience sustained in repeated Journies to Graham's Town that are attended only with expense and disappointment.

The Settlers further contend that altho' Mr. Rivers the Landdrost visited the Settlement in 1822, his inspection was so superficial that it was not possible for him to obtain a correct knowledge of their real circumstances, or of the hardships and privations that they endured; that much of the information on which his reports were framed was collected by other persons, and that in some instances the printed report is very erroneous.

5th Paragraph.

essing proofs of the want of this information of the vernment upon the real situation of the Settlers have been exhibited in the removal of the estab- om Bathurst, in the prohibited pursuit of Cattle

stolen by Caffres across the Keiskamma, the withdrawing several Outposts on the Fish River, and the removal of the Special Heemraad whose services had been found very useful.

6th Paragraph.

The object of the Meeting purposed to have been held at Graham's Town in the Month of May 1822, was the selection of fit and competent persons, who should proceed to Cape Town and personally represent to His Excellency the Governor, the critical Situation of the Settlers; it had been suggested in a conversation that accidentally took place between Major Somerset and Mr. Phillips, in which the former is stated to have recommended the mode of personal explanation to His Excellency; and as it was necessary the Person or Persons selected should receive both instructions and funds to enable them to proceed to Cape Town, the project was mentioned by Mr. Phillips to Mr. Carlisle, Captain Crause, and one or two other Settlers, and upon their approval, Circular Letters were addressed to the most respectable Settlers to invite them to meet on a certain day at Graham's Town, when it was intended to propose the measure that Major Somerset had suggested.

It has been admitted that the permission of the Landdrost should have been requested to hold the Meeting, but it is asserted that in a conversation with Mr. Phillips the day after the Meeting was to have taken place, and when informed of the object, he made no other objection to it than the want of notice.

It is denied that the object was any other than that of deliberating on the measures necessary to enable the Settlers to make a personal representation of the circumstances of their Situation to His Excellency the Governor; and it is expressly denied that the libellous and scurrilous writings that had previously been circulated in Graham's Town had the slightest connection with such an object, those writings were merely of local and personal nature, and are now known to have proceeded from the Pen of a Person who has always boasted of his little connection with the other Settlers, and has ever assumed the merit of opposing their views; he was expressly excluded from any participation in the object of the proposed

Meeting, both on account of his known opposition to the Settlers, and of his turbulent behaviour on all Public occasions.

The number invited to meet in the first instance was inconsiderable. It is supposed that Mr. Phillips would have been appointed to present and lay before His Excellency, the Address of the Inhabitants, and it is strongly asserted even at this time, that the tenor of the Address would have been highly complimentary to him.

7th Paragraph.

The measures alluded to in this Paragraph consisted of the removal of the Special Heemraden, the relaxed system of Defence of the Frontier, the increased depredations and outrages of the Caffres in consequence of their being invited and allowed to attend Fairs so much within the line of Frontier as at the Clay Pits. The vexatious manner in which the attendance of the Settlers on the meeting of the Albany Levy was exacted and punished, by marching them long distances from their locations to the places of meeting, the want of consideration for the feelings of many Officers on half pay by placing them in the Ranks, or in very subordinate situations, and the attempt to secure by oaths the continuance of their Services according to the will and pleasure of the Landdrost.

8th Paragraph.

The refusal of the Colonial Government to allow the Inhabitants of Albany to meet a second time in December 1822, unless their objects were more fully explained, led to the representation that was transmitted to Lord Bathurst last year. It was drawn up by three persons, and the signatures of other Inhabitants were obtained after submitting the Contents to their perusal at the different Locations.

9th Paragraph.

In the statement of the artificial disadvantages in which they are placed, that of the limited extent of their grants of Land is the most prominent; and the Settlers declare that it had been the intention of Sir Rufane Donkin to have remedied this evil by extending the Grants in most instances where it

was practicable, altho' it is admitted that the disposal of Lands by him to persons in the immediate vicinity of their Locations has much interfered with the means of effecting this object.

The result of the experience of the last four years has certainly proved that the restriction of Agricultural exertions to the occupation of 100, or even to that of 400 acres of Land in the District of Albany, would in ordinary years be insufficient for the support of a family, and that in Seasons unfavourable to the growth of Wheat, it affords no means of insuring subsistence by the multiplication or support of Cattle.

It is acknowledged by many of the Settlers who were the most circumscribed in the extent of Land granted to them that they virtually had the use of large tracts of unoccupied Government Land lying between or contiguous to their Locations, and that altho' they were able to maintain their original Stock of Cattle by grazing them on these Lands, they could not look to their multiplication there as a source of future profit, or consider their occupation of it as exempt from daily or hourly disturbance.

10th and 11th Paragraphs.

The Settlers admit that hitherto in consequence of the destruction of the greatest portion of their Crops by the rust, the loss of a Market for the remainder was of little consequence to them.

During the last year however (1823) some inconsiderable quantity of produce was at the disposal of a few of the Settlers near Graham's Town, who no doubt, unless the ultimate views of Government respecting the Somerset Farm were explained, would not fail to perceive in the present mode of supplying both Grain and Meat, the exercise of a command over the Market that might at any time be used to their prejudice, or unjustly relaxed in their favour. Complaints of any positive abuses of this control have not yet reached the Commissioners, but they cannot disguise their apprehension of the possibility of their existence when dependant upon the inclinations or the caprice of one individual, whose purchases, in detail at least, cannot be subject to the control of Government. It further

appears, that as the failure of the Corn Crops at Somerset Farm have happened in the same years that those of the Settlers have suffered, that Establishment has not afforded a resource in times of scarcity, while its produce would come into competition with theirs in plentiful Seasons.

The cost of all articles imported into the District from the East, and specially from the Island of Mauritius, is much augmented by the expenses of transhipment, Commission, &c. occasioned by the necessity of all Vessels from Foreign Ports proceeding first to Table Bay; and it cannot justly be maintained that the advantages thereby obtained by the Merchants of that Place, and the pretext it affords them for augmenting the Cost of every Article of consumption to the Inhabitants of the Albany District, or even the support that these advantages afford to the Coasting Trade of the Colony yet in its infancy, ought to furnish a ground for interfering with the direct import or export Trade of the Albany District, as soon as ever it is of sufficient consideration to bear the expences of an Establishment for the protection of the Revenue.

The removal of this prohibition was regarded by the Settlers rather as a prospective measure than as one immediately affecting their present interest.

12th Paragraph.

This Paragraph has already been the subject of observation.

13th and 14th Paragraphs.

The Complaints of the unchecked depredations of the Caffres rest mainly on the Merits of the System of Defence that was prescribed to the Officers in Command, and to the manner in which the executive part of their duty was performed.

It appears that the Officer who succeeded to the Command of the Frontier in the year 1822 was of opinion that the system of vigilantly patrolling in the Bush could not be carried into effect without a great sacrifice of Men and Horses, and that to whatever degree that vigilance might be carried it could never be effectual in preventing the Caffres carrying on their depredations, and even from successfully concealing their plunder,

and watching opportunities of conveying it beyond the Frontier.

It appears to him that a more effectual method of repressing them was that of trying to conciliate the Chiefs either by making them presents, or holding out to them the prospect of an intercourse with them by means of Fairs to be held in Caffraria, and he thinks that he should have been successful in effecting this change in their disposition but for the conduct of the Boers who entered the Caffre Territory in September 1822 to recover their Cattle, and which led to a renewal of their depredations, from which the Albany District had been exempt in an unusual degree through the whole of that Winter.

This forbearance in the Caffres he attributed to the effect of a conference that he held with Gaika and the other Chiefs in April 1823, a month after the Memorial of the Settlers was dated.

The attempt to seize the Person of the Chief Gaika, to which the previous depredations of the Caffres were attributed, is explained to have been made with a view to compel the immediate performance of a promise that Gaika had given for the restoration of several Head of Cattle belonging to the Caffres belonging to the Institution of the Chumie, which he continued to detain in retaliation for the loss of two of his Horses that had been stolen from the Boers, and which being observed by the Caffres of the Institution, had been restored by them to their Owners. Gaika having manifested much reluctance in complying with the demand made upon him for the immediate restoration of the whole of the Cattle, and having denied the right of the Colonial Government to interfere between his own subjects and upon his own Territory, was suddenly and unexpectedly attacked in his Kraal by a Detachment of the British Troops under the Command of Captain Stuart of the Cape Corps. They failed in the capture of Gaika, who by accident escaped; but it is alleged that subsequently he has ever since entertained great suspicion of any proposal or overture that has been made to him on the part of the Authorities on the Frontier, and a great reluctance, till after the conference mentioned, to place himself within the reach of their power.

Without entering into any discussion of the right of the

Colonial Government to interfere in a dispute between the Caffres of the Chumie Institution the then subjects of Gaika, or to dictate to an independent Chief the measure as well as time in which he was to inflict punishment upon any portion of his own subjects, the Commissioners have not been able to discover that this measure was either recommended by the Resident Agent at the Chumie, or by the Officer commanding the Frontier. It was however to the effects produced by it upon the disposition of Gaika and his Subjects that the Commandant has attributed the numerous and serious losses of Cattle that took place soon after it occurred; and the frequency of these is alleged by the Settlers to have been their principal reason for directly addressing their Memorial to Lord Bathurst.

It is admitted that the disastrous consequences of the partial intercourse that took place between the Settlers and the Caffres were attributable to the neglect of the Regulations under which that intercourse had latterly been permitted.

The Settlers possessing property also admit that one of their principal objects with those who sought to profit by any intercourse that might now be permitted would be the acquirement and purchase of Cattle upon very cheap terms from the Caffres, and that this intercourse being profitable to one of the parties concerned in it would probably lead to a renewal of the depredations upon the other; and altho' several of the Settlers are of opinion that the admission of the Caffres within the Colony would be attended with some danger, they are nearly unanimous in their wish that some attempt should be made to conciliate them, by the gradual adoption of a system less rigorously exclusive and prohibitory than the present.

Upon a reconsideration of the circumstances that led to the Establishment of Fredericksburg and to the character of the Population that it fixed in the immediate neighbourhood of the Caffres, the Commissioners are led to believe that the Settlers would not now insist upon the arguments they had previously used in its support, and that they rather had been induced to regard the measure as leading to an early occupation of the fertile Country that lies between the Fish River and the Keiskamma, than as directly productive of the proposed Security.

15th Paragraph.

The wishes that are expressed by the Settlers in this Paragraph for the introduction of British Laws have proceeded less from their objections to the principles of the Dutch Laws than to the manner in which they have been administered, and to the little pains that they say have been taken to explain to them the prominent differences between one system and the other. They have however objected to the suspension of the Dutch Law in regard to the nomination of the Heemraden.

It is also alleged by those who had opportunities of knowing that neither the proclamations of the Government nor the Regulations for the Country Districts had been accessible to the Magistrates until the visit of the last Commission of Circuit in the year 1823.

The want of information, or the means of supplying it, in a great degree is ascribable to the Persons filling the two Offices of Secretary to the District and District Clerk, and it is alleged that instead of fair representations of the prospect of Success in a Cause, or of the difficulties of Proofs, Individuals have been hurried into Law Suits, and left in ignorance of the mode and time in which they were to be pursued.

The care of the British Government noticed in the concluding Paragraph for having preserved them from the contamination of Slavery continues to be felt by the Settlers, but they complain of the employment of Slaves on the public works of the District and of the introduction of slaves by the public Authorities, and others to whom Lands have been granted in their immediate vicinity.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Evidence given by the REVEREND G. HOUGH *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *20th July* 1824.

How long have you filled the situation and performed the duties of Chaplain in this Colony ?

Reply. I came into the Colony in September 1813 and have been principal Chaplain since the month of March 1817. During this period I have been absent from the Colony on leave nearly 18 months, and then the Revd. Mr. Dennis officiated for me.

During this Period have you had much intercourse or acquaintance with the late Colonial Secretary Lieutenant Colonel Bird ?

Reply. I have not often visited him, but I have been in the habit of frequent communications with him.

Do you recollect having had a correspondence with Lieutenant Colonel Bird upon the subject of affording religious instruction to the Slave population of the Colony ?

Reply. I do; altho' I do not regard the whole of that correspondence as official.

Do you recollect on what occasion or from what cause the correspondence between you originated ?

Reply. I recollect that the Subject had much engaged my attention at the time. I think I had had some previous correspondence with Sir J. Brenton.

Had Dr. Thom or the other Dissenters made any propositions for the Instruction of the Slaves ?

Reply. I recollect that a proposition had been made by Dr. Thom to the Colonial Government, and after the opinion of Mr. Denyssen had been taken, the Subject was referred to me by Command.

Do you recollect whether in discussing or considering the question, Colonel Bird had expressed any wish that the Ministers of the English Established Church should take a leading part in the execution of the System that was proposed ?

Reply. No, I do not recollect that.

Are you aware that any Measure was adopted, in consequence of the Discussion I have alluded to ?

Reply. I attended a Meeting of some of the Principal Inhabitants, chiefly consisting of members of the Reformed Church, to discuss the plan proposed by Colonel Bird, and it was not found to be agreeable to their views of the subject.

In the official and private intercourse that you have had with Lieutenant Colonel Bird, has he afforded the assistance and support that you had a right to expect from a Person in

his Situation, and in the promotion of the Interests of the Established Church, and of your own Interests as connected with them ?

Reply. Up to the beginning of the last year I think that Lieutenant Colonel Bird has manifested a favorable Disposition towards me and towards the Interests of the Established Church.

Was it by Lieutenant Colonel Bird's influence that you were appointed to the Situation of Rector of the Grammar School ?

Reply. I do not consider that I was indebted to him for the appointment, but he manifested a very strong wish to forward my views, and I received a Letter from him expressing much approbation of them.

Do you recollect any proposals that were made by the Protestant Members of the English Church or any wish expressed by them to subscribe for the Building of a Church in this Town ?

Reply. Nothing of a formal nature, but I recollect that a general wish was expressed that an English Protestant Church should be built.

Do you recollect at what Period this took place ?

Reply. I am not sure, but I think it was in the year 1818.

Were any Subscriptions or Sums put down for the purpose ?

Reply. I think not, I never received any myself.

Did you offer to subscribe yourself ?

Reply. I think I have frequently expressed my readiness to subscribe in the event of the proposition being approved.

Do you recollect whether Lieutenant Colonel Bird approved of the Plan of Building the Church by Subscription, and whether he also expressed his readiness to Subscribe ?

Reply. Yes, he certainly did, and pointed out to me the sources of pecuniary assistance that might be referred to, in case the Subscriptions were not sufficient.

Do you recollect that you ever accompanied Lieutenant Colonel Bird to His Excellency the Governor for the purpose of laying the proposal before him ?

Reply. No, I do not recollect that I accompanied him, but I remember that Lieutenant Colonel Bird informed me that he had had an Interview with the Governor about the Church.

Do you recollect what was the answer that Colonel Bird informed you that the Governor had made ?

Reply. I cannot be positive, but I think that he said that His Lordship had expressed himself as unfavourable to the plan of a subscription for building a Church.

Do you recollect ever stating or offering to His Excellency Lord Charles Somerset to subscribe the Sum of 1,000 Rix Dollars ?

Reply. No, I do not recollect that I ever did, but I am sure that I have expressed my readiness to do so to different Individuals.

Was the plan of the Building furnished or proposed by Lieutenant Colonel Bird ?

Reply. I once saw a plan of a Church in his hand, but I don't know whether it was drawn by him.

Did Lieutenant Colonel Bird appear to you to be anxious for the building of a Protestant Church ?

Reply. I think he did.

I believe that you took a part in the early Establishment of the Library ?

Reply. I did.

Do you know who the original Proposer of it was ?

Reply. I think that it grew out of a conversation between Lieutenant Colonel Bird and myself.

From what Fund does it derive its support ?

Reply. From a Gauging Tax on wine.

Was Lieutenant Colonel Bird active and zealous in carrying this plan into execution ?

Reply. Yes, he was.

In whose hands has been the direction of the Interests of the Library ?

Reply. In the hands of a Committee of six persons, Colonel Bird being President, and who always took a lead in the management of the affairs of the Library.

Has he regularly attended the Committee ?

Reply. Not for the last two years and a half.

Are you able to assign any cause for his absence ?

Reply. I infer that it was from a misunderstanding respecting the Patronage that might be exercised in the Institution.

In regard to what situations did this Patronage exist ?

Reply. With regard to the Sub-Librarians, of whom there are Two, and the ordering of Books.

Was the patronage with respect to appointments claimed by any one or more Members of the Committee or by the Governor ?

Reply. The Governor has exercised the right of appointment, and a Mr. Hanson, a Half Pay Officer, was nominated by him as Sub-Librarian to the English Collection in the first instance. On his retirement Mr. Pringle succeeded, but I do not know by whom he was appointed.

Do you recollect whether any difference of opinion has existed amongst the Members of the Committee respecting the appointments ?

Reply. I am not aware of any overt exhibition of such difference of opinion.

Are you of opinion or have you observed that Lieutenant Colonel Bird's attendance at the Committees has been less frequent since the Governor exercised the right of appointment ?

Reply. I think that he has altogether ceased to attend since that took place.

What has been the course of proceeding observed with regard to the ordering of Books ?

Reply. To sanction the forwarding of sums of Money to Mr. Barrow, the Secretary of the Admiralty, for the purchase of the Books.

Were the Books selected by the Committee or by what other person ?

Reply. I understand that Colonel Bird undertook to write to Mr. Barrow upon this subject, but that the positive selection of the Books was left to that gentleman.

Have regular accounts been laid before the Committee of the expenditure of the Funds transmitted to Mr. Barrow ?

Reply. I do not consider the accounts transmitted are regular.

Was the portion of the Library called the Dessinian Collection purchased by the Funds of the Library ?

Reply. It was not, it was taken out of the charge of the Ministers and Elders of the Dutch Reformed Church, to whose

care it had been left by Mr. Dessin, and placed in a separate room fitted up to receive it.

Do you conceive it to be a valuable Collection ?

Reply. No, I do not, it contains a great deal of Foreign Polemical Divinity, and some, but very few, good Classics.

Do you recollect whether the Revd. Mr. Scully was ever proposed for the Office of Sub-Librarian or to any other Office in the Library ?

Reply. To the best of my knowledge and belief he was never proposed.

Was Mr. Scully ever recommended or his name suggested by Lieutenant Colonel Bird as a fit person to fill the Situation ?

Reply. Not to the Committee.

Was it so suggested to yourself individually or within your knowledge to any other Member of the Committee ?

Reply. Colonel Bird named to me Mr. Scully as a very fit person to serve in the situation of Librarian, and referred me to other and similar Institutions where persons of his Persuasion held offices. But I should add that Lieutenant Colonel Bird never expressed any wish that I should bring it forward or propose Mr. Scully.

Were you in Cape Town when the Subscriptions were made for building the Roman Catholic Chapel ?

Reply. I was.

Were you a subscriber yourself to it ?

Reply. Yes, I was, and I believe all the Protestant Established Clergy of Cape Town.

Are you aware that any Solicitations were used by Lieutenant Colonel Bird to obtain Subscriptions ?

Reply. I am not aware of any.

Do you believe that his influence was used to obtain them ?

Reply. I do not know that it was.

Have you ever observed that Colonel Bird has attended Service in the Protestant Church ?

Reply. No, I have observed that he never did attend.

Are you aware of the existence of a Society in this place for the distribution of Bibles and Prayer Books, previous to that which now exists ?

Reply. I know of Two Societies that existed, namely the Bible and School Commission, and the Union Society, com-

posed principally of the Members of the old established Dutch Reformed Church.

Do you know what the Progress and Success of these Societies had been ?

Reply. I am not sufficiently informed of their proceedings to answer the question.

Are you a Member of either ?

Reply. I am a member of the Bible and School Commission.

Was Lieutenant Colonel Bird a Member of either ?

Reply. That I cannot tell.

Have you ever heard Lieutenant Colonel Bird express sentiments hostile to the general diffusion of the Bible ?

Reply. Not directly, but I have heard him say that there were many passages in the Bible that ought not to be put into the hands of young or ignorant persons without explanation or caution.

(Signed) GEORGE HOUGH.

[Copy.]

Letter from the Officials of the Lombard Bank to the Commissioners of Enquiry.

LOMBARD BANK, 21*st July* 1824.

GENTLEMEN,—In reply to your Letter of this date we have the honor to acquaint you that the Reverend Mr. Scully has received from the Bank the sum of 6000 Rix-dollars, upon the Security of the Land, together with the Building erecting for the purpose of a Roman Catholic Chapel; and also on the collateral Security of Messrs. Chiappini, Mabille, Donough, and Bohmer, viz.

Rds. 3000 on the 10th of March 1823,
„ 3000 „ 30th May 1823.

We have &c.

(Signed) JOHN MARSHALL,
G. H. MAASDORP.

[Printed Copy.]

Papers on the South African Literary Society.

[Copy of an Address recommending the Institution of a Literary Society in South Africa, delivered at a Meeting of a few Gentlemen, held at the House of Messrs. Thompson and Pillans, on Thursday, the 22nd July 1824.

Literary and Philosophical Societies are at this day so numerous in most parts of the world, particularly in Great Britain, France, and America, that every gentleman must be well acquainted with their nature and objects. They are composed chiefly of the lovers of Natural Science, to the successful cultivation of every branch of which numerous and extensive observations are necessary, and their object is accordingly to bring into a common stock the knowledge and the zeal of many. But though what is called Natural Science requires more than any other, the co-operation of numbers for its improvement, every branch of human knowledge is best advanced by conference and discussion; and, in limited communities, it has been found necessary to the prosperity of such societies, to take a wider range, and to admit into their plan polite literature, moral philosophy, metaphysics, and the principles of society.

It has likewise been found a prudent measure, and very conducive to the peace and permanency of such associations, to exclude many topics of great interest, and importance, but on which men's opinions are formed, rather from their natural temperament and the accidents of life, than from universally admitted axioms, or indisputable authorities. Under this head we must rank the conduct of existing Governments, or what is called the Politics of the day, controversial Theology, and, in Slave Countries, we may add, the subject of Slavery. Subjects also, which are purely professional, though the professions may be liberal, are not agreeable to the genius of such institutions, the members of which should be considered merely as men of liberal minds, and not as Politicians, Theologians, Lawyers, or Physicians.

After these deductions, there still remains a sufficiently wide field for enlightened enquiry, improvement, and mutual assist-

ance. Subordinate to the subjects already mentioned, as giving a general character to such societies, we have in this part of the world many new and probably rich fields for observation and experiments.

Natural History and Botany are perhaps the most abundant of these.

But Geographers and Mineralogists have yet much to do within the Colony; and both within and beyond it the Student of Human Nature may gather, for public use, much valuable information. Original papers, and conversations, therefore, on these and similar topics, would, it is believed, secure much agreeable entertainment to such gentlemen as should choose to form a Literary Society in this place, and might possibly conduce something to the progress of general science.

But such a Society could scarcely be formed here; or, at least, would not long continue, if it was open only to scientific men, or directed its attention exclusively to the cultivation of pure science. A taste for reading and enquiry must be encouraged as widely as possible, in order to obtain a supply of members and of correspondents. For this purpose, the addition of a common Library has been found not only the most effective, but has generally turned out the most useful part of the institution; and, in this Colony, where books are scarce and so high priced, that not many individuals find it easy to furnish themselves even with a tolerable collection of ordinary authors, the addition of a Library, on very open principles, would be of great advantage, not only to the society, but to the community at large. To render it truly valuable, however, very open principles must regulate its management,—particularly with regard to the manner of choosing books, and the access to their perusal. Without going into detail at present, we may merely state what is conceived to be one of the rights which gentlemen on entering this society are not called upon to give up, viz.: The right which every man has to name the book for the purchase of which he has advanced money, and also to peruse it in what place he may think most proper. But this point will easily be arranged.

Having established a Society and a Library, a Museum of Natural History, Mineralogy, &c., will come as a proper appendage. Much of the funds of the society, however, should not

be expended on specimens at first; and this will be the less necessary, as there is every probability that donations from many quarters will soon render it an object of interest.

To carry these views into effect, and to render this institution a public benefit, a considerable number of members will be necessary, and, therefore, the Annual Subscription should be moderate,—the restrictions few, and not invidious,—the duties entirely voluntary,—the advantages to be derived from the regular meeting of the society, and the use of the library and museum open to all subscribers equally who choose to avail themselves of them, and the qualification for admission simply the attestation of two members that they know the party, and consider him to be a fit person to become a member.

On some such principle it is confidently believed that a Literary Society might now be formed in South Africa, and no peculiar obstacle appears to obstruct its success; while its advantages, should its success be even very moderate, and much beneath what might be reasonably expected, are so important and manifest, that it would be an unnecessary intrusion on your time to enumerate them.

Report of the Committee appointed for the purpose of drawing up some regulations for the South African Literary Society, submitted to the Members assembled on the 3rd and 11th of August, 1824.

GENTLEMEN,—Before stating the few simple Regulations, which seem to us, for the present, sufficient for preserving the harmony, and advancing the objects of the Institution we are desirous of establishing, your Committee beg permission to enter a little into the views which guided them in their endeavour to discharge their trust satisfactorily and usefully to the Society.

It is presumed that every gentleman present, having now been made acquainted with the preliminary steps taken at the last Meeting, sees clearly the true purpose and design of this Institution, viz:—To promote a taste for polite learning; to encourage the study and cultivation of science; and to excite and cherish the love of research and zeal for discovery in every department of liberal knowledge.

In accordance with these views, it has been resolved to hold regular Monthly Meetings throughout the Year, for the reception of Original Papers and Communications on Literary and Scientific Subjects; and also to advance a moderate Annual Subscription for the establishment of a Library and Museum; and for the purpose of Philosophical Apparatus.

As the instruction and entertainment afforded by the Papers read at the Monthly Meetings, and by the temperate discussion of such topics as they embrace, must, for a considerable time to come, constitute the chief advantage which Members will derive from the Institution, your Committee have devoted much of their attention to the Rules affecting these Meetings. To preserve the select character of the Society, and, consequently, a general good understanding among the Members, without checking unnecessarily its increase in numbers;—to obtain a constant supply of Papers without imposing any duty on individuals, which might deter many, for whose encouragement and improvement the Society is anxious, from proposing to join it; —and, to secure order and decorum, without falling into the irksome formality of a public debate,—were the principal objects your Committee had in view in drawing up the Rules on this head, and which they earnestly recommend to the consideration of every Member of the Society.

Regulations affecting the Library and Museum are also of vital importance to the prosperity of the Institution. The Annual Subscription has been fixed at a very moderate sum, because those who require the aid of a Public Library most are such as find it least convenient to advance a large one. The Rules for lending out the Books will prevent, it is hoped, the risk of their being lost or injured; and secure to every Member a fair opportunity of obtaining the occasional perusal of them.

When the Members of the Society are sufficiently numerous to support such an establishment, the Library and Museum may be open every day, and for so long a time as may be most agreeable; at present your Committee think it premature to suggest anything on that head, beyond recommending it to the Society to hire some convenient Apartment for the reception of such Books and Specimens, &c., as the Committee may have it in their power to purchase, or which the liberality and public spirit of individuals may present to aid your collections.

With respect to the office bearers of the Society, your Committee have thought it best, for many reasons, to recommend the election of a considerable number, that the business of the Society may be conducted with impartiality, and without interruption; and that their duties might not trench too much on the time or convenience of individuals. No involuntary duties of any sort are imposed on the Members of this Society, though every gentleman is invited to favor the Committee with such papers or information of a useful and interesting description, as may be fit to lay before the Society at their Monthly Meetings. It is not necessary that these papers should be composed by the person who presents them; or that the author's name should be known, as the Society is formed not for display, but for the acquisition and diffusion of useful knowledge; nor is any one required to take any share in the discussions or conversations at the Meetings of the Society, though all have the privilege of doing so, and are invited to exercise this privilege according to their readiness and ability.

Your Committee beg permission strongly to recommend to the Society, ever to keep in mind one great principle, on the observance of which the prosperity and permanence of the Institution mainly depend, viz.—To avoid as far as possible the introduction of such topics as the history of mankind proves have never been discussed without a mixture of passion and heat, and, consequently, a tendency to disunion and the formation of parties and cabals. On general questions of literature and science men differ without dislike, and state their opinions and arguments as much to have them sifted and examined for their own satisfaction respecting their soundness, as to propagate and diffuse them in the conviction of others. But there are other subjects, with certain views of which men's immediate interests, or their internal peace of mind have got, or seem to have got, entangled, and which are moreover enveloped in so tender a mass of vital prejudices, that the most delicate hand can scarcely touch them without creating pain and incurable irritation. The Society will of course use its discretion with respect to ambiguous points, as it would be hazardous to attempt laying down a precise line of demarcation; but surely with the wide field of Physical and Moral Science before us, it would argue at least no excess of prudence

or good taste to step aside into the thorny and perplexed ways of uneasy, unfruitful, and interminable controversy. The Geology of South Africa, it is agreed by all, still requires elucidation, and no doubt some important discoveries in that department await the judicious and patient enquirer;—the mineralogy of the Cape is yet in its infancy, if it may be said to have advanced so far; and what a rich, inexhaustible region of delightful research, with a certainty of abundant success, does the surface of this Colony present to the Botanist and Student of Natural History, for the exercise of their respective talents and observation! If the Society turn its exertions zealously in this direction, agriculture and the most important arts of life may, in a short time, be improved and extended by its labours.

Respecting the choice of Books, your Committee also beg leave to recommend, especially at the commencement, a careful and candid selection; that the members of the Committee should endeavour to ascertain the wishes of the Society, and endeavour in every decision to meet and satisfy them. Standard Works, that have stood the test of ages, and the productions of men of high reputation and of acknowledged merit and authority, should always be preferred to such as may be more acceptable to the floating curiosity of the day, but which owe their popularity chiefly to their own newness, or to the novelty of their subjects, or to any other accident of a perishable nature. As the Funds of the Society increase, this scrupulousness may be somewhat relaxed; but it would be a pity at any time to incumber your shelves with the peculiar wares of a Circulating Library.

In fitting up the Museum, more science will be required than your Committee dare venture to give advice to. They would merely hint at the impropriety of turning it into an exhibition room of glittering trifles, or mere curiosities; or a lumber room of monstrous rubbish; or, as has sometimes happened in such cases, a gulph to absorb a most undue proportion of the Society's Funds.

In conclusion, your Committee beg to suggest to the public spirited members of this Institution a ready way of rendering it a signal benefit at its commencement, by making donations to your Library and Museum of such books and articles as

they choose to spare from their own collections, or can obtain from such of their friends as possess the liberal wish of doing good to the present and all succeeding times. Should many act on this praiseworthy principle, each will reap an essential benefit from their common liberality, as he will, as a member of the Society, have constant access to the whole stock. Thus, should thirty members make donations of ten volumes apiece, each individual may command the use of three hundred volumes.

Your Committee now beg permission to read the Rules and Regulations, which they were appointed to draw up and report to this Meeting.

General Rules.

1. The ordinary Meetings of this Society, shall be held on the first Wednesday of every month, at a quarter before seven o'Clock p.m.

2. Any Subject not involving the politics of the day, or controversial theology, shall be open to discussion at the ordinary meetings, and these excepted topics shall at no time be admitted into the papers or conversations of the Society.

3. Notice of every motion shall be given at the monthly meeting previous to that at which it is to be discussed.

4. All the votes of the Society shall be by ballot, and a majority of two-thirds shall be necessary to carry any measure. Should any question arise not provided for by the Rules of the Society, it shall be determined at a meeting of the Society, by a majority of the Members present,—the President having in this, as in all other cases, a casting vote.

5. Applications for the admission of ordinary Members, shall be signed by at least two Members of the Society, and shall be liable to the same rule as other motions.

6. New members shall be elected at the ordinary meetings, only; and one of the gentlemen who signed the application for admission, shall be present at the ballot,—and on the Candidate's being declared duly elected, shall pay into the hands of the Treasurer his subscription in advance for the current year.

7. The annual subscriptions of ordinary Members shall be twenty Rix-dollars, paid in advance; and the sums thus

raised should be strictly applied to defray the ordinary expences of the Society, and to the foundation of a Library and Museum.

8. Any Member wishing to withdraw from the Society, shall give notice of his intention, in writing, to the Secretary, at or before the next General Meeting, otherwise he shall be considered liable to pay his subscription for the ensuing year.

9. Any Member neglecting to pay his subscriptions for two successive years, shall be considered, *de facto*, expelled and incapable of being re-elected.

10. A General Meeting of all the Members shall be held annually at the usual time and place, on the first Wednesday of August. At this Meeting, the Office-bearers for the ensuing year shall be elected by ballot; rules enacted or repealed; and all questions respecting the property, and the due application of the funds, and all other matters touching the interest or convenience of the Society, shall be considered and decided finally.

11. Public notice of any motion, to be proposed at the General Meeting, shall be made one month previous to such Meeting.

12. Seven Members shall form a quorum at the Meetings of the Society, and five at the Meetings of the Committee.

13. At the Meetings of the Society, Members shall address themselves only to the Chair.

14. Articles intended for the Museum shall be laid on the table at the first Ordinary Meeting after they have been received.

15. The articles composing the Museum shall not be lent out.

16. Books shall be lent out to Subscribers only, and on the following conditions, viz.:—Octavos may be kept for one week; Quartos, a fortnight; and Folios, three weeks.

17. All the volumes of any work may be taken out at once, but liable to the same condition as one volume.

18. Any Member neglecting to return a Book on or before the Saturday following the expiration of the term for which it was borrowed, shall be subjected to a fine of 4 skillings for each day till it shall be returned.

19. No Book shall be lent out till one month after it has been placed in the Library.

20. Any Member losing or defacing a Book, or on lending it to a Non-subscriber, shall forfeit its value to the Society.

21. No Member shall take out a Book unless his Fines and Subscription for the current year are paid up.

22. Any Subscriber may propose publications to be added to the Library, by inserting their titles in a book kept for that purpose, annexing his signature to such proposal.

23. Requests may be made to the Committee, in the same manner, in another book kept for that purpose.

24. It shall not be competent for any Stranger or Non-subscriber to take Books out of the Library.

25. A Register shall be kept for entering the names of all such Books and Specimens as may be presented to the Society, together with the name of the donor and date of donation.

26. Dictionaries, and books of general reference, shall not be taken out of the Library.

27. Books containing valuable plates shall not be lent out, except by order of the Committee.

28. No Book shall be taken out a second time by the same person, till eight days after it has been returned.

29. Books shall not be lent out on the same day on which they have been returned.

30. The whole of the books belonging to the Library shall be returned on or before the first Wednesday of July in each year, in order that they may be examined and compared with the catalogue, and shall again be delivered out at an early period to be fixed by the General Committee.

31. The Office-bearers of the Society shall be four Presidents, two Secretaries, one Treasurer, and a Committee of twelve gentlemen.

32. The Presidents, Secretaries, and Treasurer, shall be *ex officio* members of the Committee.

33. The Office-bearers shall be chosen from among the ordinary Members.

34. The Committee shall have the sole management of the Funds of the Society. It shall be competent for them to draw at any time upon the Treasurer, for such sums as he may have in his hands, to discharge bills due for service, purchases, and all expenditure authorized by the Rules of the Society. They shall order and take charge of Books, Specimens, Apparatus,

Stationery, Furniture, and accommodations necessary to the Institution, and they shall at no time exceed the sum actually in the hands of the Treasurer at the time, when they make any purchase or issue any order.

35. The Committee shall lay a report of all their proceedings during the year, and the Treasurer a full, clear, and warranted statement of the Funds of the Society, before the General Meeting, when their term of office expires.

36. All papers and communications intended for the Society shall be in the first instance submitted to the Committee, who shall consider and decide on the propriety of bringing them before the Society.

37. No Book shall be placed in the Library but by order of the Committee; and they shall receive and dispose of any donations made to the Society according to their discretion, unless provision in the case be made by some express rule or order of the Society.

38. The Librarian, and other servants of the Society, shall be under the control of the Committee, and receive orders from them only. In case of a sudden vacancy, the Committee shall moreover be empowered to appoint a Librarian, or other servant of the Society, *pro tempore*, subject to revisal of the next General Meeting.

39. The Treasurer's books, and the minute book of the Committee, shall be constantly open on the table of the Society.

40. The duty of the Librarian shall consist in his keeping immediate charge of the books, and in delivering them out to the Subscribers when required.

41. The Librarian shall keep a register, showing what books are taken out of the Library, by whom, when delivered, and when received back; and no book shall be given out by the Librarian, unless the Subscriber requiring it shall either sign an entry in the register, or send a receipt signed by himself.

42. At the ordinary Meetings, the President for the night, and the Gentleman whose paper is to be read, shall have the privilege of introducing two Strangers each; and no other Strangers shall be admitted to these meetings, without leave asked and obtained from the President while in the chair.

43. No strangers shall be present at the General Meetings.

44. Strangers and Gentlemen newly arrived in Cape Town,

shall have admission to the apartments of the Society when open, at the written request of three Members of the General Committee, for a period not exceeding one month from the date of such requests.

Approved of by the Society, August 3rd and 11th, 1824, and ordered to be printed.

(Signed) THOS. PRINGLE, Secretary *pro tempore*.

No. 3.

A List of the Members.

Aug. 11, 1824.

Messrs. JAMES ABERCROMBIE, Surgeon.
T. ATHERSTONE, Surgeon.
S. BAILEY, Surgeon, R.N.
W. T. BLAIR, H.C.C.S.
P. B. BORCHERDS, Member of the Court of Justice.
W. L. VON BUCHENRODER.
EWAN CHRISTIAN, Merchant.
HENRY CLOETE, Advocate.
F. COLLISON, Merchant.
Rev. H. COLLISON, A.M.
Messrs. C. D'ESCURY.
F. DICKENSON.
R. W. EATON, Merchant.
J. FAIRBAIRN.
W. GADNEY, Merchant.
H. HANCKE, Danish Vice-Consul.
L. HERMAN, Merchant.
R. HEURTLEY, Surgeon.
J. A. JOUBERT, Advocate.
J. KNOBEL, Government Surveyor.
F. KORSTEN, Merchant.
J. LAING, Surgeon.
F. L. LIESCHING, M.D.
C. F. LIESCHING, Apothecary.
W. LIESCHING, Merchant.
J. J. LIND, LL.D., Deputy Fiscal.
C. LUDWIG.

Rev. J. H. von Manger.
Messrs. Charles Maynard.
H. Maynier.
Captain W. Miller, H.C.S.
Messrs. —— Monteath, Merchant.
Benjamin Moodie.
R. Morrisson, H.C.S.
Edward O'Reilly, M.D., Surgeon of the 55th Regt.
George Paton, Army Agent.
Rev. John Philip, D.D.
Messrs. B. Phillips, Merchant.
C. S. Pillans, Merchant.
P. H. Poleman, Chemist.
Thomas Pringle.
H. Pugh, Notary.
G. Reitz.
W. Robertson, Merchant.
H. E. Rutherfoord, Merchant.
John Simpson, Merchant.
Joseph Simpson, Merchant.
William Smith.
George Thompson, Merchant.
J. R. Thomson, Merchant.
W. Thompson, Apothecary to the Forces.
C. T. Thornhill.
J. H. Tredgold, Chemist.
Sir J. A. Truter, Chief Justice.
Messrs. P. J. Truter, Member of the Court of Justice.
L. Twentyman, Watchmaker.
S. Twycross, Merchant.
W. F. Versfeld.
C. Wentworth, Surgeon.
Rev. Wm. Wright, A.M.

No. 4.

Extracts from the Minutes of a Meeting, assembled to organize the South African Literary Society, held on the 11th of August, 1824.

(W. T. Blair, Esq., in the Chair.)

Resolved unanimously.

"That His Excellency the Governor the Right Honorable Lord Charles Henry Somerset, be requested to become the Patron of the *South African Literary Society*, and that a deputation of the following gentlemen be appointed to wait on His Excellency, with a Letter soliciting this honor, viz.:

"Sir JOHN TRUTER, Knight.
Dr. TRUTER.
W. T. BLAIR, Esq.
REV. H. COLLISON.
HENRY CLOETE, Esq.
T. ATHERSTONE, Esq.
R. HEURTLEY, Esq.
R. W. EATON, Esq.
R. MORRISSON, Esq."

(Signed) THOS. PRINGLE, Secretary *pro tempore.*

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas by a Proclamation bearing date the 20th July, 1821, it was directed that an annual Fair should be held on the Banks of the Keiskamma River, for the purpose of supplying the Caffres with such articles as might tend to civilize them, and to promote industry amongst them, under the Regulations therein laid down; and whereas it has appeared to me expedient, in order to prevent illicit traffic from being carried on with them, and to ensure a fair and equitable barter between the Colonists and the Caffre Tribes, that Regulations should be framed more suitable to the present circumstances of the Border District,—I, therefore, hereby order and direct, that henceforward no traffic whatever shall be carried on with the Caffres directly or indirectly, except at Willshire Barracks, and under the following Regulations and Restrictions, which shall be subject to such alterations and modifications, as from time to time shall appear to me, or to the Governor for the time being, to be necessary, viz. :—

1.—The whole of the traffic between the Caffres and the

Colony, shall be carried on at Willshire Barracks, and be under the exclusive Superintendence of the Military Commandant, or an Officer deputed by him.

2.—No Person shall be allowed to traffic with the Caffres, who has not obtained a Licence for that purpose from the Landdrost of the District in which he resides, which Licence, together with a list of the articles which are intended for barter, he must produce to the Officer commanding at Willshire Barracks.

3.—No Civilian shall be allowed to trespass between the Fish River and Keiskamma, without a special Pass or Licence.

4.—The Landdrost of every District will be empowered to grant Licences for trafficking with the Caffres at Fort Willshire, to all Persons who can produce proof of their good conduct; but the Licences will not be transferable. The Local Magistrates are hereby directed to enregister the Licences, and to transmit a return of them, monthly, to the Colonial Office.

5.—The Market or Barter shall take place on the Wednesday, Thursday and Friday in each week throughout the year; and on no other days.

6.—No traffic shall be allowed before 9 o'Clock A.M. or after 4 o'Clock P.M. from 1st April to 30th September, nor before 8 o'Clock A.M. nor after 6 o'Clock P.M. from 1st October to 31st March: after the latter hours, all Persons must retire to their respective abodes; the Caffres shall not be permitted to remain on this side of the Keiskamma, after the latter hours; nor to come on this side of the River, previous to the former hours.

7.—It is most strictly forbidden to take to the Market, for sale or barter, or to exchange or give away there, any fire arms or ammunition, or any kind of spirits, wines, beers, or other liquors;—any Person infringing this Regulation, shall not only forfeit his Licence, but the arms and ammunition, or liquor, found in his possession, (unless the same be *bona fide* for his immediate use,) shall be seized and sold for the benefit of the Treasury of the Albany District, and he will be further subject to a Penalty not exceeding 500 Rds. and not less than 100 Rds. and in case of inability, to an imprisonment not exceeding six months nor less than one month; besides a criminal prosecution according to Law, in case the exchange or giving of arms to the

Caffres shall be proved to have been done with an intention hostile to the Colony, or to have had such a hostile tendency which the Person bartering could have foreseen.

8.—No one shall be allowed to settle on the Keiskamma, or between the Keiskamma and Fish Rivers.

9.—The articles to be received from the Caffres are ivory, ox hides, skins of animals, natural curiosities, corn, and small manufactures, such as baskets, mats, sambocs, &c. Barter in cattle is for the present prohibited.

10.—Persons trafficking without a Licence will be liable to a Penalty not exceeding 500 Rds. and not less than 100 Rds. and in case of inability, to an imprisonment not exceeding six months, nor less than one month.

11.—The articles most desirable to induce the Caffres to purchase, would be cloths of every description; woollen and cotton articles of any kind that they could be tempted to receive, particularly blankets; also, the leather trowsers of the Colony, knives, tinder-boxes, agricultural and horticultural implements, red clay, tea, coffee, sugar, hatchets, cast iron cooking pots and kettles, &c. &c. &c. Buttons, beads, and trinkets are to be limited, though not entirely prohibited; that is, no staple commodity, such as ivory, hides, &c. is to be purchased solely by beads, buttons, and trinkets; but beads, buttons, and trinkets are allowed in barter, combined with any of the above-named articles.

12.—The Commandant, or Officer commanding, at Willshire Barracks, is hereby authorised and directed to use the most summary means in keeping the peace, and is empowered to arrest and send away, in custody, any Person who shall not deport himself with due order and propriety, or who shall be detected in defrauding or maltreating a Caffre.

13.—All Penalties incurred under the provisions of any of the clauses of this Proclamation, shall be sued for and recovered before the Board of Landdrost and Heemraden of Albany, in the usual manner. And that no Person may plead Ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 23rd Day of July, 1824.

(Signed) C. H. Somerset.

[Copy.]

Letter from the Commissioners of Enquiry *to* Lieutenant Colonel Bird.

Lion Towers, 23rd July 1824.

Sir,—Perceiving in your reply to Mr. Parker's charges you have stated your inability to understand to what the 4th Charge alludes, we beg leave to transmit to you herewith an Extract from that part of Mr. Parker's affidavit, from which the charge in question was compiled. We have &c.

Signed: John Thomas Bigge.
William M. G. Colebrooke.

The Extract commenced with the words "Deponent further saith that on the 4th July 1821 when he was in Saldanha Bay," and terminated with "is well prepared to prove by circumstantial Evidence."

[Copy.]

Letter from Lieutenant Colonel Bird *to the* Commissioners of Enquiry.

[illegible] July 1824.

Gentlemen,—I have the honor to receive your letter of the 23rd Instant, with an enclosed extract from Mr. Parker's deposition, transmitted to me with the view of explaining the 4th Art. of charge preferred against me by that person as compiled by you from his papers, in consequence of my having in my reply thereto professed not to understand the charge itself. I have perused with great attention, several times, the extract transmitted, and am compelled to say that it is not more intelligible to me in its present shape, as constituting matter of charge against me, than it was in its former [illegible] I cannot see what there is in it for which I can be [illegible] responsible. It consists of a correspondence [illegible] and Major Nicols, on the subject of [illegible] Donkin is stated to have said in [illegible] paymaster

of the 72nd Regiment, but it does not appear that Sir Rufane quoted me as his authority for what he is stated to have asserted, or that I am alluded to by him, by Mr. Irvine or by Major Nicols in his Letters. Mr. Parker by an unwarrantable inference has thought proper to bring in my name, but as I have already disclaimed having interpreted or misinterpreted any part of Mr. Parker's Letters or papers, I can do no more than repeat the disclaimance on this occasion. Mr. Parker's inference is totally without foundation, indeed it does not appear to me to be even probable that I should have misinterpreted a passage of Mr. Parker's Letter to Earl Bathurst, which Mr. Parker calls upon his friend, Sir Nicolas Conway Coulthurst, Bart. and M.P. for Cork to prove, never was in that Letter!

I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 25*th July* 1824.

MY LORD,—I have had the honor of receiving your Lordship's Dispatch dated the 29th of October last soliciting the requisite authority to establish a Classical school at the Cape under such advantages and emoluments as shall induce a Clergyman of the Established Church, and of first rate abilities for instructing, to undertake the superintendence of such an Establishment; in answer to which I beg to acquaint your Lordship that I entirely concur with you in opinion as to the advantages to be derived from the establishment of a Grammar School upon the plan proposed by your Lordship, and that I shall be prepared to sanction the expenditure of £600 per annum on account of the Salary of the Clergyman who may be selected for the purpose of conducting the School, which rate of Salary will continue to be issued to him for the first three years of his Residence in the Colony, but at the termination of that time, and for the three following years, when he

may be expected to derive considerable profit from the Institution, exclusive of the remuneration which he receives from Government, it is proposed to reduce his Salary to the sum of £300 per annum. In both cases he will be allowed the advantage of a House for his Residence. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 26*th July* 1824.

MY LORD,—A communication having been received by my Under Secretary of State from the Secretary to the Lords Commissioners of His Majesty's Treasury transmitting copies of a correspondence which passed between your Lordship and Assistant Commissary General Hewitson relative to certain Public Buildings, at present in a very dilapidated state, occupied by the Commissariat Department for the service of the Army; I have now the honor to acquaint your Lordship that in the opinion of the Lords Commissioners of His Majesty's Treasury these Buildings, provided they are, as represented, well adapted for Commissariat Stores, should be still occupied as such by that Department and without the payment of any Rents to the Colonial Government, but that the repairs of such Buildings should be provided for in the same manner as the expence of repairing other buildings occupied by the Military Department at the Cape of Good Hope; and I have therefore to instruct your Lordship to take the necessary steps for carrying that arrangement into effect. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the FISCAL DENYSSEN *to the* ACTING COLONIAL SECRETARY.

FISCAL'S OFFICE, *26th July* 1824.

SIR,—In compliance with His Excellency the Governor's directions conveyed to me in your letter of the 9th February last, wherein I am desired to state in how far in the course of the Official Inquiries held in my Department relative to the existing misunderstanding between Mr. J. Ingram and the Settlers brought here under his direction, it has appeared to me that Mr. Ingram has fulfilled the several engagements he entered into with His Majesty's Government previous to his embarkation for this Colony. I have the honor for the information of His Excellency to report that I have most particularly confined my attention to the contents of a letter from the Under Secretary of State for Colonial Affairs addressed to George Harrison, Esqre., dated the 9th June 1823, copy of which was transmitted to me from the Colonial Secretary's Office, whereby it appears that Mr. J. Ingram has engaged to carry from the South of Ireland, as his articled servants to this Colony in addition to a party of 50 persons to be taken out at his private expense, 200 men, 50 women, and 100 children, upon receiving an advance at the rate of £14 for each person for the purpose of providing for their passages and provisions, as well as bedding and medical treatment during the voyage, making for the whole £4,900, and that in return he has also engaged by a Bond entered into on behalf of Government, but whereof no counterpart or copy has been transmitted to this Colony, to repay the said sum of £4,900 together with Interest at the rate of 5 per cent, in case within a time prefixed to him in the said Bond he shall not have exhibited proof to the satisfaction of the Lords Commissioners of His Majesty's Treasury that all the conditions of indentures entered into with the two aforesaid parties of 50 and of 350 persons have been duly performed, and also to repay the sums advanced for each of these persons respectively together with Interest at the rate of 5 per cent at any time before the expiration of the period fixed in the Bond for conditional repayment, in the event of proof being obtained

that Mr. Ingram has failed in any of the conditions of his engagement.

With reference to these engagements, I am induced to consider Mr. Ingram, in the first place, to have been deficient in the number of persons to be carried out by him from the South of Ireland, and further also to have been deficient in some of the conditions on which he has engaged to bring them to this Colony.

As to their number, His Excellency will find from the annexed Report of the arrival of the ship *Barossa* that the whole number of passengers who arrived here on board thereof comprising Mr. Ingram and his family, consisted of 188 men, 59 women, 78 boys, and 27 girls, making together 352 persons, out of which number 346 persons only have been embarked in Ireland under his direction, for neither Mr. Ingram himself, who at the time of taking out these parties remained an Inhabitant of this Colony, nor a person named Antonio Loira, a native of the Island of Madeira, who appears to have been taken, or as Mr. Ingram stated did conceal himself on board the Ship at the Island of Madeira, nor four children, one of Mr. Ingram and three others of the persons who accompanied him on the voyage who were born on board the ship after it had sailed from Cork, can be with propriety considered to belong to any of the parties carried out by Mr. Ingram from the South of Ireland.

According to the terms of his engagement, as stated in the letter before me, he was expected to carry out from Ireland 350 articled servants, in addition to the party of 50 persons to be taken out at his private expense. This party of 50 persons must therefore be first deducted from the number of 346 persons whom Mr. Ingram has embarked in Ireland on board the ship *Barossa*, before anyone can be computed to belong to the other party to be taken out by Mr. Ingram at the expense of Government, and thus the consequence to be drawn from this remark will be, that Mr. Ingram has carried out from Ireland to this Colony at the expense of Government 296 persons comprising Men, Women, and Children, leaving a deficiency of 54 persons for whose passage &c. he has been paid by Government at the rate of £14 for each person, making together the amount of £756 overpaid to him.

One of the conditions on which Mr. Ingram has engaged to carry his several parties from Ireland to this Colony, most particularly with regard to those carried out at the expense of Government, appears from the letter before me to have been that they should be his *articled servants;* this condition Mr. Ingram has been deficient in fulfilling. It appears from the examination held by the Deputy Fiscal Mr. Van Ryneveld, to which I have the honor to refer, that at the time of the said Examination 24 men and 5 women had not signed Indentures either for themselves or for the children under their protection and care, and that various Indentures had been signed on board the ship after its departure from Ireland, and even some in this Colony after its arrival here. It also appears therefrom that the Indentures signed after the departure of the ship from Ireland have been signed under different impressions, and fictitiously dated at Cork the 18th September 1823, whereby even the validity of these signatures has been rendered doubtful.

As however in the case of Ingram versus Stephen Jones in appeal to the full Court from a previous decision of the Sitting Commissioner it has been on the 10th ultimo decided that Stephen Jones, although he did not sign an Indenture and denied having ever bound himself to sign the same, still remains under the obligation to sign the same, and that the Parties are bound by the Instructions given by His Majesty's Government at home to Mr. Ingram; I feel inclined to submit to the opinion of the Court, and to extend the same to all those who did or did not properly sign the Indentures on which they were brought out to this Colony, there only now remaining some doubts as to the precise terms on which these persons are to be compelled to indenture themselves to Mr. Ingram.

I venture to take this opportunity for recommending that the inconveniences arising from either Mr. Ingram's neglect in having the indentures signed previous to the embarkation of his servants, or any other cause, may be pointed out to His Majesty's Secretary of State, in order that should any renewed emigration of settlers on terms similar to those of Mr. Ingram's Settlers be decided upon in England, precautions may be taken for ensuring the strict compliance with the Instructions.

Perhaps the now existing inconveniences might have been

avoided if Mr. Ingram had been instructed to cause his articles to be signed by the parties in the presence of a Magistrate at Cork, previous to the mustering on board the ship *Barossa*, and if the Counterparts of the Indentures, together with the Muster Roll of his apprentices, had been transmitted to His Excellency from Cork.

I would also recommend that the Indentures under which such Emigrants may in future be brought to this Colony, be submitted to a previous approval of His Majesty's Secretary of State; for in reperusing the Indentures signed by Mr. Ingram's settlers, I find therein that notwithstanding Mr. Ingram's receipt of £14 for each person belonging to the number of 296 brought out at the expense of Government, his 10th Article subjects them to the payment of a certain amount, commonly of £30 for a man, £20 for a woman and £15 for a boy or girl to serve as an indemnification for *passage money* (thus in his transfers of indentures to other masters, Mr. Ingram himself has been pleased to denominate the same) on paying said amounts within the 1st Month after landing they are stated to be free from the Indentures, and although that time has elapsed, Mr. Ingram still continues assigning over their Services to other Masters on condition of paying said amounts.

On my inquiring from Mr. Ingram for what consideration said amounts were to be paid, Mr. Ingram on the 29th March last wrote me a letter, copy of which I have the honor to annex, whereby he did not mention passage money, knowing that he had engaged by the second Clause of the Indentures to take his Servants *free of all expence to this Colony*, but whereby he endeavoured to place the amounts stipulated in the 10th clause in the light of a compensation for the value of their services, and for his responsibility to Government.

This however I cannot reconcile with the term of *passage money* made use of in Mr. Ingram's transfers of Indentures as before stated. It moreover strikes me that altho' Mr. Ingram may be entitled to a reasonable compensation for his trouble in having brought over these settlers, and for his responsibility to Government, yet he has been very wrong in the opinion expressed in his letter of the 29th March 1824 that the Services of these Settlers should be exclusively his, for they have bound

themselves like other free Servants to serve *for wages* and Mr. Ingram cannot claim a compensation for services which by that criterion appears to be theirs, and must be compensated not to Mr. Ingram, but to his Servants themselves. The whole of this redemption therefore appears to me to be subject to remark, and I doubt whether Mr. Ingram's claims in so far as the same are founded on the 10th Article of his Indentures, do not render him liable to the charge of acting inconsistently with the terms of his Instructions whereby no such claim was authorised to be made, and consequently failing in that part of the conditions of his engagement whereby he engaged not to add any conditions to his Indentures inconsistent with those particularly prescribed.

The other clauses contained in the Indentures appear to me to agree with the Instructions, and as according to the letter from the Under Secretary of State to Geo. Harrison, Esqre., Mr. Ingram is, within a certain time limited in the Bond, to exhibit proof to the satisfaction of the Lords Commissioners of His Majesty's Treasury, that all the conditions of the said Indentures have been duly performed, it would appear superfluous for me to anticipate the necessity of Mr. Ingram's proving his compliance with the said conditions by entering into a detail respecting the complaints of those amongst Mr. Ingram's servants who have been or may be still dissatisfied of the mode in which the several clauses of their Indentures have been complied with.

I therefore merely beg leave to refer to the several statements of his servants as inserted and referred to in Mr. Van Ryneveld's Report and to Mr. Ingram's replies thereto.

Amongst his other engagements it appears from the aftermentioned letter of His Majesty's Under Secretary of State, Mr. Ingram has engaged that none of his people should become chargeable on the Colonial Treasury at any period of their Indentures for Provisions, Lodging, or Clothing or Medical treatment.

This induces me to enter into some detail respecting the case of Daniel Lee, one of Mr. Ingram's servants, who from the 22nd Ultimo in consequence of the very serious ill-treatment he received at Mr. Ingram's place (Sonne Bloem) has become and still remains a charge to Government.

This person having on the 9th and 10th Ultimo, at my official requisition, given evidence on oath respecting some most infamous anonymous placards that were at different times circulated in this Town, especially that of the 1st Ultimo, it appears he was intended to be made a sacrifice to the hatred of those who disliked the developement of the Mystery under which such infamous practice was commenced to be carried on.

He had been allowed by Mr. Ingram to be employed in the service of Wm. Edwards (now a convict under Sentence of Transportation), where he did remain for some months antecedent to his having given evidence as mentioned. Mr. Ingram subsequent thereto however thought proper to reclaim him as his own servant, and to deny his having been transferred to the service of Wm. Edwards, as will appear to His Excellency from annexed memorandum of the 17th ultimo, Daniel Lee was at that time addressed by Mr. Ingram in my presence in the most unfriendly manner with the names of *blackguard* and *Informer*, and appeared very reluctant to return to Mr. Ingram's service for fear of accidents, notwithstanding which I was obliged at the repeated instances of Mr. Ingram to order the Lad back to his Service, and he, on a subsequent complaint of Mr. Ingram that he, Daniel Lee, was not to be prevailed on voluntarily to return under his protection, was on the 21st Ultimo sent to Mr. Ingram's place in the custody of one of the Under Sheriffs. Early the following morning I received the information of his having been most shockingly ill-treated in the night at Mr. Ingram's place by a party of people in disguise with their faces covered or blackened. The people who thus ill-treated Daniel Lee most probably belonged to Mr. Ingram's servants, altho' none of them have been hitherto discovered. For the explanation of the circumstances which attended this most shocking act, I beg leave to refer to the annexures Nos. 9, 10, and 11, and with reference to the same only to add, that from the moment I received the information thereof, I thought it my bounden duty to take his person under my official protection, and not to allow him to return into Mr. Ingram's Service, where his life would be exposed to the most imminent danger. During his illness, the consequence of the ill-treatment he received at the place Sonne Bloem, Daniel Lee has been kept and attended in the Town Somerset Hospital at the expense

of Government, he is victualled at the Prison House, where he is also allowed to pass the night, no bedding is supplied to him by Mr. Ingram, and I have also been obliged to order a pair of trousers and a pair of shoes to be procured at the expense of Government.

Mr. Ingram, who, altho' disclaiming all participation in the cruel act committed on this servant, finds proper not to resign his services, nor to make any proposal for the disposal of him in a manner consistent with his personal safety, cannot be but by me considered as the sole cause of his having become, and still remaining, a burthen to Government, and unless Government is indemnified by him, he will become liable to the charge of having also in this particular failed to comply with the conditions of his original engagement. Excepting this man's case, there are none at present chargeable on the Colonial Treasury.

The counterparts of the Indentures signed by Mr. Ingram's people having been deposited in my office, I have the honor herewith to transmit the same to your Office, in order to remain there deposited according to the Instructions given Mr. Ingram by His Majesty's Secretary of State. I have &c.

(Signed) D. DENYSSEN.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 27*th July* 1824.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's Dispatches as numbered in the margin; and I have to convey to you my approbation of the appointment of a Wharf Master and Storekeeper at Simon's Town, as well as of the arrangements which you have made for making the salaries of the Principal Officers of the Bank more adequate to the responsibility attached to their functions. I have likewise to signify to your Lordship my concurrence in the measure which you have adopted for regulating the Office of Commissary of

No. 83
" 84
" 85
" 86

Vendues by uniting the Salaries of the Commissary and Assistant Commissary and dividing them equally between two joint Commissaries. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from LORD CHARLES SOMERSET *to the* COMMISSIONERS OF ENQUIRY.

GOVERNMENT HOUSE, *July 27th* 1824.

GENTLEMEN,—Having done me the honor to transmit to me two charges which affect the local Government contained in the Affidavit of Mr. William Parker, I do myself the honor to forward to you the observations which I felt it incumbent upon me to make on the charges alluded to. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Reply to Charge 1st.

Mr. Parker has been totally misinformed as to my knowledge of Colonel Bird's religious persuasion previous to 1822, as I was not aware that Lieutenant Colonel Bird was a Catholic until a short time subsequent to my return from England, when upon communicating to Lieutenant Colonel Bird a private Letter from Mr. Goulburn to myself which recommended Lieutenant Colonel Bird to take the Oath of Office (meaning as I conceived the Test Oath) he informed me that, "he owned he belonged to a Roman Catholic Family," he added that he was ready to take the Oath "prescribed by the Law." I replied that I considered *That* to be the Test Oath. Lieutenant Colonel Bird then referred me to my warrant from the King, in which he said he could shew me that the Canada Oath was the only one required to be taken by him, that *that* was the Oath administered to him when he assumed the office of

Deputy Secretary to this Government, under which Oath he still acted. This conversation left an impression on my mind that Lieutenant Colonel Bird was a Catholic, but I did not *know* it to be so. This occurred about the month of February 1822.

With regard to the latter part of this charge, in which it is asserted that "Dr. Robert Jones declared that Deceit and Jesuitism so much flourished here that he could not longer remain in the Colony, and actually resigned a lucrative office, preferring an humble Curacy in England with liberty of conscience and the right of doing good."

I shall only observe that in the course of my life I have never heard of or met with a grosser or more shameless misstatement. The impression made upon my mind from the verbal Communications I had with the Revd. Dr. Jones when he tendered me his resignation, was that he resigned his appointment here because the pecuniary advantages of it did not compensate for the Banishment from England and the loss of Society consequent upon that Banishment. As however I happen to have by me all the Documents relative to the Revd. Gentleman's Resignation, a perusal of them will shew whether or not Dr. R. Jones' resignation of his appointment here did originate in the motives stated by Mr. Parker.

2nd. I have no recollection of the assertion attributed to the Revd. Mr. Dennis, but I consider it a matter totally immaterial whether Mr. Dennis did or did not make such a declaration.

3rd. As Earl Bathurst has in his possession a detail of all the circumstances which occurred relative to my tendering the Oaths of Office to Lieutenant Colonel Bird, it is unnecessary for me to make any observation on this Charge.

Reply to Charge 2nd.

It is also scarcely worth while to remark upon this charge further than to say that it is made by a person who never was on the Frontier of this Settlement, that he has no knowledge of the Kaffre Tribes, their habits or their disposition, and that he has formed his judgment upon the system that has been pursued towards that nation from the grossest misinformations.

The System which has ever been pursued by me towards the Kaffers has been one of excessive lenity and conciliation, using every endeavour to civilize them, without which it is vain to expect improvement in the conduct of a Kaffer.

[Copy.]

Letter from MR. WALTER SYNNOT *to* MR. JOHN GREGORY.

DEPUTY LANDDROST'S OFFICE, CLANWILLIAM,
27*th July* 1824.

SIR,—I have the honor to transmit herewith answers to certain queries proposed to me by His Majesty's Commissioners of Inquiry, which I hope will prove sufficiently explicit and correct.

I find upon examining the Vendue Roll of Mr. Ingram's property, that the gross amount of his auction amounted to Rds. 5842 4 sks., whereas I stated to Major Colebrooke that it was only Rds. 5,000. I shall be much obliged to you to correct this error in my deposition. I have &c.

(Signed) WALTER SYNNOT.

[Copy.]

Letter from MR. FREDERICK CARLISLE *to the* COMMISSIONERS OF ENQUIRY.

GRAHAM'S TOWN, *July* 27*th* 1824.

GENTLEMEN,—I have to acknowledge the receipt of your favour of the 9th ulto. informing me that H.M. Govt. will not bear the Expence of an Emigration of labourers to this Colony, and enquiring the probable number of all descriptions that the district of Albany would be likely to absorb, the rates of wages &c, and I must now beg leave to draw your attention to a few circumstances connected with these subjects.

As it admits of easy proof that the distress which now pervades great part of the Settlement is attributable chiefly to the difficulty of procuring Labourers at a reasonable rate, and

as it follows of course that the most effectual way of relieving the settlers would be for Government to facilitate as much as possible the importation of such labourers, the only remaining question is, as to the best means to be adopted for the accomplishment of that object. It is much to be feared that the reduced means of the generality of the Settlers would tend to prevent their reaping any considerable advantage from the introduction of additional labourers if they (the Settlers) were to bear the whole expence of their importation, for altho' this expence would ultimately be repaid by the Labour of the Individuals engaged, yet the sums to be advanced on the Outset in order to procure a sufficient number of Servants would be of such extent as to deter the major part of the Inhabitants from engaging more than even a third of the people they would under other Circumstances wish to Employ, and thus the object of affording extensive and permanent relief would be in a great measure defeated.

With regard to the number likely to be absorbed by the Albany District, this will depend entirely on the terms upon which their Services could be ensured. I have made every enquiry on the subject, and it seems to be the general opinion, that if an importation of men to the amount of about 300, together with a proportionate number of women and children, were landed in Albany, they would find immediate employment, provided the parties engaging were under no further restriction than that of paying them moderate wages, and as the first influx would naturally create an increased demand, these might be followed by a number from 200 to 300 annually for a considerable time.

But on the contrary if the Indentures of the Servants were incumbered with the whole amount of expences incurred in conveying them to the Colony, it is difficult to say what number would be likely to go off, but there is not the least doubt that it would fall far short of that above stated.

The rate of wages generally obtained at this period by Labourers in Albany is from 25 to 30 Rds. per month, with provisions and spirits, which additions almost double the first amount, Bread Corn being now as high as from 20 to 22 Rds. per muid. On the average Mechanics when hired by the day obtain from 3½ to 4½ Rds. without victuals.

If it is finally determined that His Majesty's Government will not bear the expence of such an Emigration as the above mentioned, or any part thereof, it would be very desirable to know to what extent its aid and assistance may be calculated upon, in order to guide me in the arrangements I shall make provided you approve of my intention. I have &c.

(Signed) FREDK. CARLISLE.

[A large part of a volume is taken up with records of the trials of a number of persons brought out by Mr. John Ingram in the *Barossa*, and who refused to work for him after their arrival. As so much has already been given on this subject, I deem it unnecessary to copy these papers.—G. M. T.]

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 28*th July* 1824.

MY DEAR LORD,—The friends of the late Colonel Graham who feel much interested about the fate of his widow and children, have drawn my attention to the distressing situation in which that Lady is placed with a most limited income, and without the prospect of any addition to it; her land, too, has failed to yield any profit, and I am given to understand that she has lost the advantage of a small cottage residence which had been granted to her at Wynberg. It has not been explained to me how she has been deprived of this cottage, and indeed no complaint whatever has been made to me upon the subject. I mention it, however, to your Lordship in the hope that you may have it in your power either to replace Mrs. Graham in possession of her former dwelling or to confer upon her some advantage of that nature, which I assure your Lordship would be highly appreciated by the respectable Friends of that Lady.

I have &c.

(Signed) BATHURST.

[Copy.]

Letter from MR. J. INGRAM *to* JOHN GREGORY, ESQRE.

ZONNE BLOEM, 28*th July* 1824.

SIR,—In compliance with the request of His Majesty's Commissioners of Inquiry, contained in your respected favor of the 8th Inst., herewith I have the honor to hand you the Accompanying List, which I hope will prove satisfactory.

I beg leave to call their attention to the following particulars. I have classed all over 14 years of Age with Men and Women, being obliged to provision them as such.

There were no deaths on the voyage.

In reapprenticing them to others (in every case I allowed them to seek Masters for themselves), I was most scrupulous that none of the youngsters got into the hands of bad characters, and in all cases where their parents were here, I made them a party to the Indenture.

It would be an act of injustice on my part were I not to take this opportunity of stating that Wm. Van Ryneveld Esqr., Deputy Fiscal, inspected every Individual as they came on shore, and gave them the best and kindest advice, which was that soberness and Industry would ensure them every Comfort.

With respect to the number of Persons I contracted to bring out not having come, though I assure you I was perfectly satisfied there were full 410 on board, as Mr. Lewis had mustered and were actually on board 413 persons, and so certain was I of its being the case I put on shore two women and one man of the most abandoned characters, while the vessel was under weigh.

That no Civilian without force or power could prevent desertion of several of them, who had been actually living on board for four or five weeks at my expence, and I am sorry to say a great many of them glad to get a mouthful to eat, and ran the risk of being taken off, though they were intended to go with the ship, as will appear by the accompanying Indentures which had been prepared and signed in order to go and to get an order to be received on board, but these form not one half [illegible] s obliged to cancel, which have been used

I hesitate not for a moment to say, had not the Roman Catholic priests used their influence to dissuade the poor people from coming with me, I could have procured as many thousands if I wanted them.

It must however be obvious to His Majesty's Government that it is a very considerable loss to me, and though great, I am ready and willing to cause the number of 50 persons to be brought from Cork at my own expence to make good the number.

But I trust it will appear clear to the Commissioners of Inquiry that the object of His Majesty's Government at home has been fully completed, which was to better the condition of the labouring classes of such of them as were willing to come to the Cape by the enormous high wages they receive.

Permit me to add I shall be, as I trust I have already done, ready at all times to afford the Commissioners of Inquiry any information in my power. I have &c.

(Signed) J. INGRAM.

[Copy.]

Distribution Return of Persons brought to the Cape of Good Hope by MR. INGRAM *in the Ship* Barossa *in the year* 1823.

Number of Persons who have been transferred since their arrival: Men 120, Women 44, Children 82, Total transferred 246.

Number of Persons remaining in Mr. Ingram's service: Men 44, Women 6, Child 1, Total with Mr. Ingram 51.

Number of Persons returned as sick remaining in Mr. Ingram's service: 1 Man.

Absconded: 4

Disputants: 36

Left blank: 3

Mr. Ingram's Family: 11.

Total number of Persons brought to the Cape by Mr. Ingram: 352.

Remarks: One man died in the service of the Fiscal. Four men died in Mr. Ingram's service.

The above return framed upon lists furnished by Mr. Ingram to the Commissioners of Inquiry.

Cape Town, 28th July 1824.

(Signed) JOHN GREGORY, Secretary.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 29*th July* 1824.

MY DEAR LORD,—I am informed by some papers which the Reverend Mr. Geary has addressed to His Royal Highness the Commander in Chief and which His Royal Highness has put into my hands that your Lordship has dismissed that Clergyman from his temporary appointment of Chaplain to the Forces at Graham's Town. By so doing your Lordship has only in part anticipated His Majesty's Commands conveyed to you in my despatch of 29th of May last No. 100, as these documents however contain several allegations which implicate the conduct of Major Somerset, your Lordship will be anxious to have an opportunity of replying to them; and I have thought it right to put you in possession of copies of the papers in question. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 29*th July* 1824.

MY LORD,—I do myself the Honor to inform Your Lordship that upon the Representation enclosed of the Superintendant of the Printing Department of the necessity of the extra attendance of the Compositors, during the whole of the night

previous to the publication every week of the *Cape Town Gazette*, I have been induced to grant a remuneration subject to Your Lordship's approval of Six Rixdollars for each night for that extra Duty, and I have the Honor to solicit Your Lordship's authority for including this Item in the Schedule of "fixed Contingencies," and to request that Your Lordship will be pleased to have the same notified to the Commissioners of the Colonial Audit Office. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

COLONIAL PRINTING DEPARTMENT, CAPE OF GOOD HOPE,
3rd March 1824.

SIR,—I beg leave to represent to you that it is highly necessary, in order to have the Paper neatly printed and regularly forwarded, that the Compositors of this Department attend by turns, during the whole of the Night, previous to the publication every week of the *Cape Town Gazette*, in order to superintend the printing of the same, and to rectify accidents that may occur, to forward the same and count them off to the several Drostdies, and to direct those for the subscribers (about 200) in the Country Districts. And as this requires great attention and punctuality, and is very tiresome and injurious to the Health principally after having been busy the whole day, on account of the encreasing Business, in getting the Paper ready for Press; the Compositors have therefore addressed themselves to me, with request to lay this their case before you, humbly praying, that His Excellency the Governor may be graciously pleased to grant them some remuneration for their Night attendance. I have &c.

(Signed) A. RICHERT, Sr.

[Copy.]

Letter from LIEUTENANT COLONEL BIRD *to the* COMMISSIONERS OF ENQUIRY.

29th July 1824.

GENTLEMEN,—Since my letter to you of the 24th Instant on the Subject of the 4th Charge against me compiled from Mr. Parker's depositions, I have perused some Letters which I received from England last year (previously mislaid), from which I find that this part of Mr. Parker's complaint had been then enquired into, and satisfactorily refuted. I bring the subject however again to your notice, in order to say that in the Extract of the deposition with which you have done me the honor to furnish me it appears to me that there is a clerical error, which has probably occurred in the Copy transmitted to you from home, the word "interpretation" being in the communication received by me "interpolation."

The greater part of what I have said in my reply is equally applicable to this term, but there is this additional absurdity in the latter accusation, that the thing was absolutely impossible. Sir Rufane Donkin received the copy of Mr. Parker's Letter of the 29th September 1820 from Lord Bathurst, and the Copy must have been made in Downing Street, consequently a passage to Mr. Parker's prejudice could not have been "interpolated" here.

I have deemed it right to prevent future trouble or Cavil, to make you acquainted with what appears to me to have been an error, and have &c.

(Signed) C. BIRD.

[Original.]

Letter from WALTER SYNNOT, ESQRE., *to the* COMMISSIONERS OF ENQUIRY.

CLAN WILLIAM, *30th July* 1824.

GENTLEMEN,—I beg leave to submit to your consideration a clause that exists in the Title Deed of my location, which if rigidly adhered to materially injures my property and that of

several persons to whom I have let or sold small tenures to build on. It runs thus:

"The land hereby granted shall be cultivated by free laborers only, and be resumable in the event of any Slaves whether hired or of whatever nature or description being employed thereon."

My Location is situated adjoining the Sub Drostdy of Clan William, its central position, and being at the junction of several of the principal roads which communicate between the Northern part of the Colony and Cape Town have rendered it a desirable site for persons in business to settle on, and the inhabitants seeing the advantages of the situation are actively engaged in constructing houses and other improvements, all of which must receive a complete check by the operation of this clause in my title deed which prohibits the employment of the only efficient workmen that can be obtained, such as Masons, Carpenters, &c. The excessive heat which prevails in every part of this Valley has proved the expediency of employing Blacks. Europeans cannot support fatigue, and Hottentots are so inert that all work must cease when there are no other assistants. I deprecate the system of slavery as much as any man, nevertheless so long as it prevails in the Colony few other laborers can be obtained, and settlers must feel themselves aggrieved by being debarred advantages that all other inhabitants enjoy.

I believe there are few Settlers who have received more essential support than myself, notwithstanding, with respect to my location I have felt the most poignant disappointment, and the clause I complain of destroys the advantage I might expect to reap from it. I shall be much obliged to you to inform me whether or not you consider this restriction as extending to those persons who rent or purchase Erven.

I have &c.

(Signed) WALTER SYNNOT.

[Copy.]

Queries proposed by HIS MAJESTY'S COMMISSIONERS OF INQUIRY *to* CAPTAIN WALTER SYNNOT, *Deputy Landdrost of Clan William.*

30th July 1824.

What extent of arable land do you consider the Kleine Valley contains ?

Reply. According to the best information I can obtain there is from 100 to 120 acres of Arable Land in the Kleine Valley open to irrigation and of good quality, it must be observed that at the time it was offered to Mr. Parker it was of greater extent, a Flood which took place in the month of July 1822 did considerable damage, having swept away or covered with sand about twenty acres of the best Land in the Valley.

How many Settlers have retained their locations at Kleine Valley ?

Reply. Three, viz.: the Revd. F. McCleland, Mr. Samuel Edward Shawe, and George Baker. The latter retains his claims to the property, but resides in Cape Town.

Extract from Mr. Parker's printed address to the Public, dated Passage West, Ireland, 5th February 1820.

"Such was the success of Mr. Ingram that he has wheat and rice upon 1000 acres which are open to irrigation. The remainder feeding ground, and Cattle of the European breed, and Merino sheep. The Manager receives one half of the produce."

In the return of Mr. Ingram made at the Opgaaf held at Clanwilliam in the year 1821, he stated that he sowed three Mu.ds of Wheat, which at the usual estimation is sufficient seed for 12 Acres English Measure.

No produce.

No Rice sown.

1822. Mr. Ingram returned four Muids of Wheat sown, which, according to his statement, produced 73 Muids, and was consumed by his own family.

½ of a Muid of Rice sown. The actual return I am not

informed of, it was purchased by Government; information can be obtained at the Colonial Office.

The arable Land at Taaybosch Kraal was taken at a yearly Rent of 20 Muids of Wheat by John H. Nieuwoudt, which agreement was (or rather left at the Option of the Tenant to throw up) cancelled by the Court of Justice at the suit of said Tenant, and has not been cultivated since the year 1821, at which period said Nieuwoudt paid Mr. Ingram 240 Rixdollars in lieu of wheat.

"The present value of his Stock he estimates at £1800 or £2000, at the lowest, the estimate Profit of the whole year divided with his Manager £460, this is the value of the Corn alone, and the Manager is allowed the Butter and Milk of the Cattle for taking care of them, Mr. Ingram has the advantage of the Increase of the Stock, which is all he requires."

Mr. Ingram sold the following Stock of Cattle by auction at Partridge Valley on the 15th and 16th October 1822:

65 Oxen	Rds.	1862	1
54 Cape Sheep and Goats . .		78	0
2 Horses		133	0

Shortly after this period, Mr. Ingram entered into an agreement with Stephanus J. du Toit (the article of agreement is in the hands of Mr. Rynier Beck, Notary of Cape Town, and I believe differs materially from Mr. Parker's Statement), when he left in his charge Twenty Cows of European Breed valued from £5 to £10 each, they were Cows bred in Africa.

Mr. Ingram had not any Merino Sheep excepting two Ewes, which he presented to the Daughter of said Du Toit.

Mr. Ingram left no other Stock at Clan William. 17 Oxen and about the same number of Goats were subsequently sent from Namaqua Land on Mr. Ingram's account. Two of these Oxen were given by the Manager for a Bull, they may be valued at Rds. 25 each.

1823. Mr. Ingram's Manager or Tenant informed me that he sowed three muids and a half of wheat, which produced 21 Muids.

No Rice Sown.

Cultivated Garden in Partridge Valley said Manager has sown four Muids of wheat, which is now growing.

No Rice sown.

A small portion of Barley and Oats have been sown each year, from whence there was no return. Seven or eight of Mr. Ingram's cows died this year.

The usual price of Wheat at Clan-William is from 7 to 8 Rix Dollars per Muid, the weight of a Muid of Wheat is 180 lbs.

Mr. Ingram's Manager could not inform me of the number of Calves he has reared on Mr. Ingram's account.

Did Mr. Ingram divide his corn with his Tenant, and what agreement exists respecting his crops ?

Reply. From the best information I can obtain, no part of the Crop has been divided. I beg leave to refer His Majesty's Commissioners to the Article of Agreement, which is in the hand of Mr. R. Beck, Notary, in order to answer the latter question, as I cannot obtain any intelligence respecting the agreement.

What quantity of Arable Land do you consider Mr. Ingram's location contains, including the Partridge Valley and Taaybosch Kraal ?

Reply. I consider that Mr. Ingram's Grant of Land contains between 70 and 80 acres of Arable Land, but several persons of experience have assured me that there is not more than 50 acres which could be irrigated, and it must be admitted that crops will not come to perfection at Clan-William in any situation where they cannot be watered.

(Signed) WALTER SYNNOT, Deputy Landdrost.

P.S. 30th July 1824.

I have this day received a note from Mr. Shawe who occupies most of the Kleine Valley, which I beg leave to enclose, as it corroborates my statement respecting its extent &c.

[Copy.]

Letter from O. M. BERGH, ESQRE., *to* JOHN GREGORY, ESQRE.

KLEINE BERG RIVER, *2nd August* 1824.

SIR,—In compliance with your Letter of the 29th July last respecting the question which had then arisen between the

British Settler Mr. William Parker and Mr. Woodcock, I have the honor to reply, for as far as I can recollect the case:

That conformably to the written Order I received from Colonel Bird, then Colonial Secretary, I pointed out and delivered to each of the Heads of Parties the Land which had been granted them, that the Kleine Valley fell to the lot of Mr. Parker, that he, according to his own pleasure and without giving me the smallest intimation, divided the land among the Settlers under him, that disputes thereupon arose between said Woodcock and one Mr. Murray, an officer of said Mr. Parker, about ploughing of Woodcock's Land, that the dispute was adjusted by me, and they came to a Settlement, that I then proceeded to the Kleine Valley, when a further arrangement and division of the Land was made in my presence between William Parker Junior as representative of his uncle William Parker Senior, and said Woodcock, that the Land of Mr. Woodcock was not then ploughed nor cultivated, but he took great pains to spend his useful time in idleness, laziness and gadding about.

As I shall be in Town in a few days, I shall do myself the honor to wait on the Commissioners and give them further elucidations, and in particular, information respecting the Hantam Hill. Recommending myself, I have &c.

(Signed) O. M. Bergh, late Deputy Landdrost.

[Office Copy.]

Letter from Earl Bathurst *to* Lord Charles Somerset.

Downing Street, London, 3*rd August* 1824.

My Lord,—This letter will be delivered to your Lordship by Sir Richard Plasket, who has been appointed by His Majesty to the Office of Secretary to the Government of the Cape of Good Hope vacant by the removal of Lieutenant Colonel Bird; and I have to request that your Lordship will take the necessary measures for putting Sir Richard Plasket in possession of that appointment with a Salary of Three Thousand Pounds per annum. I have &c.

(Signed) Bathurst.

[Copy.]

Letter from the ACTING COLONIAL SECRETARY *to* DR. J. BARRY, *Colonial Medical Inspector.*

COLONIAL OFFICE, *3rd August* 1824.

SIR,—I am commanded by His Excellency the Governor to transmit to you herewith a copy of a Memorial from Mr. C. F. Liesching praying permission to practise as an Apothecary, Chemist and Druggist in this Settlement, and to request that you will be pleased to examine Mr. Liesching as to his qualifications, and report thereon for His Excellency's information.

I have &c.

(Signed) P. G. BRINK.

[Copy.]

Letter from the REVEREND WILLIAM GEARY *to* HIS MAJESTY'S FISCAL.

GRAHAM'S TOWN, *August 3rd* 1824.

SIR,—In consequence of the false, scandalous, and malicious Libel which appeared in the Cape Town *Gazette* of the 21st of February last, wherein my clerical character was held out to the scorn and derision of the public, and of Captain Fitzroy (then the Editor of that paper) refusing to give up the name of the infamous Author, I have to request that you will proceed without delay, in your official situation as His Majesty's Fiscal, to prosecute the said Captain Fitzroy, and procure me that justice which is due to an offence of so gross a nature. Requesting the favour of an immediate reply to this application for justice, I have &c.

(Signed) WILLIAM GEARY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LIEUTENANT COLONEL BIRD.

CAPE TOWN, 7th *August* 1824.

SIR,—In the course of our investigation into the circumstances connected with the disposal of certain Lands in the Field Cornetcy of the Hantam, which were eventually granted to Mr. Redelinghuys, a question has arisen respecting the practice of the Colonial Office in referring the memorials of individuals for inspection and report of the Landdrost and Heemraden of Districts, and whether in the instance alluded to any deviation from that accustomed course may have taken place. As you were in office at the time that the memorial of D. Ockhuyzen was referred to Mr. Bergh, Deputy Landdrost of Clanwilliam, in June 1817, and as we are possessed of the Letter written by you on that occasion, we propose to take your evidence upon oath on this point, and generally respecting the correspondence that took place thro' the Colonial Office on the subsequent memorials of Mr. Redelinghuys for the Lands that he prayed for, and as we are aware that you are still unfortunately confined by indisposition, we propose that one of us should have the honor of waiting on you at your house on Monday the 9th Instant at 12 o'Clock for the purpose of such examination.

We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Extract from a Letter from LIEUTENANT COLONEL SCOTT *to the Commissioners of Enquiry.*

SIMON'S TOWN, 7*th August* 1824.

I have received from the Brigade Major's Office, Graham's Town, a copy of my last Official Letter to the Military Secretary previous to resigning the command of the Frontier in October last.

I have been anxious to lay this letter before you for the

reasons it contains in explanation of Major Taylor 6th Regiment not complying with Veld Cornet Van der Nest's requisition of a detachment to assist him in recovering his Cattle, which had been stolen by McKomo's Caffres, the Field Cornet was too impatient to wait the answer to a communication made to me by Major Taylor, and by his ill advised ill conducted attempts to carry off some of the Caffre Cattle in retaliation for his own loss, he did infinite mischief, for on being subsequently obliged to give up the Cattle to the Caffers, he inspired them with an assurance and confidence that made them more daring and troublesome than ever, and the long and unusual tranquillity the Frontier had enjoyed was then lost.

[Copy.]

Letter from certain Inhabitants of Albany to the Commissioners of Enquiry.

GRAHAM'S TOWN, *August 7th*, 1824.

GENTLEMEN,—Whereas a Report has been circulated in the District of Albany (thro' what Channel we are not able to trace) that Major Somerset is about to be superseded as Commandant on the Frontiers.

We the undersigned cannot help expressing our sincere regret, and remarking at the same time that it is our opinion (as well as many others who cannot have an opportunity of affixing their names to this request) that from Major Somerset's local knowledge of the Country, from the prompt and decisive manner with which he acts upon all occasions, where the peace and safety of the inhabitants are at stake, has been sufficient to convince us, that the loss of such an Officer would be severely felt, and would be considered a public calamity.

We therefore humbly solicit that you will be pleased to point out to the Home Government, the great good which would result from his being made Resident Commandant on the Frontiers. We have &c.

(Signed) WM. BOARDMAN A. B. DIETZ
WM. HOWARD FRAS. CRAUSE, Lt. R.N.

HENRY HARPER
ALEXR. BISSET, Lt. R.N.
GEORGE ANDERSON, Senr.
W. E. ANDERSON
GEO. ANDERSON, Junr.
B. ANDERSON
MILES BOWKER
J. M. BOWKER
W. M. BOWKER
MILES BOWKER, Junr.
HOLDEN BOWKER
H. CRAUSE, Capt. H.P.
T. STRINGFELLOW
R. GODLONTON
W. CURRIE
W. AUSTIN
THOMAS CLARKE
JOHN AUSTIN
DAVID LEWIS
WM. WATHALL
J. RAFFERTY
R. J. DE WAAL
P. RETIEF
J. D. SMUTS
P. SCHEEPERS
WM. BEAR
A. MACDONALD
B. WIENAND
DAVID BARNES
LEE & COCK
RALPH GODDARD
HENRY LLOYD
SAML. WHITTLE
JOSEPH RHODES
THOS. HEWSON
BENJN. WRIGHT
JOHN DANIEL
RICHD. WHITE
ABRAHAM ROBINSON
JOSEPH COOPER
ROBT. WOOD BAGOT, Captn. H.P. 47th Regt.
WM. OGILVIE
JOHN KENNEY
RICHD. M. SATCHWELL
GEO. EDWD. JOSEPH
FREDK. LUCAS
A. HOWISER
ISAAC DYASON
GEO. DYASON
J. CRAUSE, Lt. H.P.
ALEXANDER COWIE
J. LATHAM
THOS. ROBINSON
SAML. BONNER
THOMAS ROWLES
WILLIAM HAZEL
B. N. SIMMONS
JOHN MANDY
ROBT. BRADY
W. A. MORGAN
WM. ATTWELL
JOHN STANLEY
D. W. DONALD
F. FYNN
RICHD. HAYHURST
WILLIAM THOMAS
NATHL. MORGAN
S. CADLE
G. MEHRTENS
R. H. RUBIDGE, Lt.R.N.
DAVID ROES
G. BAINBRIDGE
F. WILLON
EDWD. HELEY
JOHN POULSON
WM. FORD
THOS. MANLEY
EDWD. PELL

Tobias Thurrutt	J. Pawle
J. H. Dixon	James Carney
Joseph Donovan	Thos. Hartley
Morris Sloman	James Vice
James Wheeler	William Beale
Robt. Pirie	Barthw. Gunning
John Purdon	Saml. James
James Powell	Joseph Trollip
J. W. Hiles	Wm. Trollip
Thos. Brink	John Trollip
John Morris	Benjn. Trollip
John Bradfield, Senr.	Chas. Hyman
John Bradfield	Saml. Hayward
Edwd. Bradfield	James Hayward
Joseph Bradfield	Wm. Hunt
	Edwd. Ford.

[Copy.]

Letter from certain Inhabitants of Albany to the Commissioners of Enquiry.

Albany in South Africa, *the 8th August* 1824.

The undersigned Burghers and Inhabitants of the District of Albany in South Africa, most respectfully state,

That they have indirectly heard with much uneasiness of the probability of the present Commandant of the Frontiers, Major H. Somerset, losing his important situation, and perhaps being succeeded by another Commanding Officer.

That the undersigned by daily experience, more and more perceive the utility and necessity of the continuance of such praiseworthy and in every respect valuable military authority of said Major Somerset, who by all possible prompt measures, knowledge and discretion, has left nothing untried, to free and protect this Country and the Inhabitants of the Frontier as much as ever it has been possible to do, against the plunder and violence of our wild neighbours the Caffres.

The anxiety which the undersigned have felt at the idea of losing so valuable and deserving an Officer, is not a little

encreased when they remember with what mildness, civility, and kindness they have always been treated, even on the respective commandoes in which they have had the Honor frequently to serve, whenever Major Somerset deemed it necessary for the service of the Country that such should be formed.

We the undersigned therefore in consideration of the attachment and high respect which must naturally arise in the bosom of every well-thinking and grateful man; of the local knowledge which Major Somerset possesses of these Regions, the Boundaries, Caffreland, the nature and dispositions of these Savages, and their habits and Customs, and likewise in consideration of the fear and subjection under which they now stand and are continually kept, under all these circumstances of such importance to public confidence, they therefore request your Honors may be graciously pleased, if possible, to induce His Majesty's Government in England to continue Major Somerset a permanent Commandant of the Frontier for the general welfare and prosperity.

The doing of which &c.

(Signed)

C. Meyer, Field Cornet
D. van Rooyen, Sr.
M. D. Delport
J. T. Potgieter
Migel Grobler
I. E. Ferreira
W. W. Marsenberg
D. Erasmus
A. de Waal
A. Greyling
Ja. Greyling
A. Keulder
P. Greyling
B. Bester
P. W. Bester
C. Bothma
A. F. Dreyer
A. van Dyk
A. B. Dietz
P. Retief
H. van Rooyen
S. Potgieter
G. Nel
D. F. Welgemoed
T. S. T. Sooy
T. H. Keulder
P. J. Ferreira
Pieter de Wet, Senr.
P. G. Bezuydenhout
P. Greyling
L. Nel
F. Nel
J. de Lange
B. de Lange
J. Lombaard
P. Daniel

J. J. Bester	Thackery
Danl. Nortje	J. van der Merwe
Willem Nortje	Seybrand van Dyk
Joseph van Dyk, Senr.	J. Bouwer
J. Dupree	G. V. Peter
G. Goose	M. Lombaart
P. Nel	H. Lombaart
Piet Botha	A. Lombaart
D. Nel	C. Lombaart
M. van der Merwe	N. Gose
P. van der Westhuyze	P. Gose
N. Niemand	C. Potier
W. Besuydenhout	J. Potier
D. Niemand	C. Besuydenhoud
H. Niemand	H. Besuydenhoud
J. Potgieter	A. Bester
F. Potgieter	J. Bester
J. Bouwer	I. Engelbregt
B. Bouwer	N. Nel

[Copy.]

Letter from the Commissioners of Enquiry *to* Lieutenant Colonel Bird.

Cape Town, 10*th August* 1824.

Sir,—With reference to the subject of your examination of yesterday, and under the same solemn obligation, we beg leave to add two further questions to which we have the honour to request your early attention and answer, extending the same on the vacant space left in the enclosed paper and attaching to them your signature. We have &c.

(Signed) John Thomas Bigge,
W. M. G. Colebrooke.

[Copy.]

Letter from the Colonial Medical Inspector to the Acting Colonial Secretary.

10*th August* 1824.

SIR,—I have the honour to acknowledge the receipt of your Letter of the 3rd Instant with its enclosures respecting Mr. C. Liesching. However, as Mr. Liesching has not had any professional education, consequently no regular documents, it becomes impossible for me to recommend Mr. Liesching to be allowed to practise as Apothecary, Chemist, and Druggist in this Colony.

(Signed) JAMES BARRY, M.D.,
Colonial Medical Inspector.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 11*th August* 1824.

MY LORD,—I have the honour to inform your Lordship that at the request of the Reverend Mr. Fraser I have directed a further sum of £30 in addition to the £70 already advanced, to be issued for the purpose of enabling him to complete the necessary preparations on his proceeding to the Cape of Good Hope. These sums of money will of course be deducted from the first annual allowance of Mr. Fraser after his arrival in the Colony. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the FISCAL *to the* REVEREND WILLIAM GEARY.

FISCAL'S OFFICE, 11*th August* 1824.

SIR,—I have to acknowledge the receipt of your letter of the 3rd Instant requesting me to proceed without delay, in my official situation as His Majesty's Fiscal, to prosecute Captain

Fitzroy for what you therein termed a false, scandalous, and malicious libel which appeared in the Cape Town *Gazette* of the 21st of February last.

In reply to this, I beg leave to observe that tho' I much regret that an apparently erroneous report respecting your conduct on the evening of the arrival of His Majesty's Commissioners of Enquiry at Graham's Town should have gained publicity, I am far from agreeing with you in the opinion that such report had originated in malice, nor has the same any relation to your clerical functions ; and I am moreover confident your character as a clergyman cannot have suffered by the publication thereof, since by the further publication of your own letter of the 2nd of March last, and other letters relating to the same subject, as also of the unequivocal denial of the Editor, shewing that he had no intention whatever to injure your character and feelings, the public mind has been undeceived as to the merits and intention of the 1st publication, which, moreover, having been made in a Government *Gazette*, ought not to be supposed by you, Sir, to have been made *animo injuriandi*, unless you could prove that the same had crept in contrary to the intention of Government.

This being my opinion, you will, I trust, feel with me that I cannot consistently therewith, at the request of an Individual, prosecute the Editor of the Cape Town *Gazette* on the charge of Libel, as preferred in your Letter. I have &c.

(Signed) D. DENYSSEN, Fiscal.

[Copy.]

Reply to MR. CHARLES FREDRIK LIESCHING'S *Memorial.*

Memorialist is informed that his application having been referred to the Colonial Medical Inspector for Report, Dr. Barry has represented to His Excellency the Governor that as Memorialist has not had any professional education, and can consequently produce no regular Documents, it is impossible for him to recommend Memorialist to be allowed to practise

as Apothecary, Chemist, and Druggist, as he will perceive by the accompanying Copy of Dr. Barry's Report.

Colonial Office, 12th August 1824.

By His Excellency's Command.

(Signed) P. G. Brink.

[Copy.]

Letter from Mr. Lancelot Cooke *to the* Deputy Colonial Secretary.

Cape Town, 12*th August* 1824.

Sir,—I have the honor to acknowledge the receipt yesterday of your Letter of the 10th instant giving me the information that His Excellency the Governor had been pleased to appoint a Committee consisting of His Honor the Chief Justice, His Honor the Judge of the Admiralty Court, and of the Commandant of Cape Town for the purpose of enquiring into and reporting upon the conduct of Mr. Blair in the distribution of Prize Negroes, and calling upon me to lay any informations I may possess on that subject before the Committee. In answer to which I have the honor to state, that I cannot sufficiently express my satisfaction at the selection by His Excellency of persons so fully competent to discharge the duties of so important a trust, and that nothing would give me more pleasure than to lay any information I might have on that subject before persons whose acknowledged integrity, judgment and independence would guarantee a dispassionate, unprejudiced and minute investigation of these charges.

Unacquainted however with the exact nature and authority of such a Committee, not knowing by whom that inquiry will be carried on, and with what powers that Prosecutor will be possessed to dive into the truth, I must only beg leave to represent to you, for the information of His Excellency, that an appeal is still pending before the Right Honorable Court of Appeals on the part of His Majesty's Fiscal and Mr. William Edwards, affecting the important question whether any

Evidence is to be produced in the Criminal prosecution which His Majesty's Fiscal has thought proper to institute against me. I am humbly of opinion that my defence cannot be fully entered upon in that prosecution without hearing the Evidence on both sides in the most ample manner. The same witnesses and informations I could produce before the Committee are thus more than likely to be required in the open public trial now still pending against me, where they will be heard upon Oath with all the advantages resulting from cross-examination of both parties; the latter mode of proceeding thus appears to me in the present stage of the Case to be the only regular, legal and satisfactory mode of inquiring into matters where a certain reluctance and backwardness may naturally be expected in the Witnesses, and upon these general and conclusive grounds I find it impossible at present to bring before this Committee Evidence of any Nature touching facts which already belong to the cognizance of a Court duly constituted and competent to pass Sentence upon the whole merits of this Case.

I have &c.

(Signed) LANCELOT COOKE.

[Copy.]

Evidence given to the COMMISSIONERS OF ENQUIRY *by* WILLIAM CORNELIS VAN RYNEVELD.

CAPE TOWN, 13*th August* 1824.

You are Deputy Fiscal in Cape Town?

Reply. I am.

You were present when Mr. Ingram arrived with his party of Irish Settlers in December last?

Reply. I was directed by His Excellency the Governor to muster the party of Emigrants when they arrived in the *Barossa*, and I went on board for the purpose of cautioning them as to the conduct they would be required to observe on Landing. I was led to believe they were in a state of mutiny and disorder in the Ship, but I found on going on board that it was not the case. They appeared to be clamorous, and some of the men came forward and complained chiefly of the

bad provisions they had received during the voyage, and some alleged that they had been brought from Ireland against their consent.

Did you enquire into the merits of these complaints, and in what state did you find them ?

Reply. While on Board I appointed a Time to hear their Complaints after they should be Landed, and readily appeased them. Respecting the quality of their provisions, on board I had no authority to enquire, but judging from their healthy appearance, which was very striking, I concluded that they could not have been ill supplied. In point of clothing they appeared to be deficient.

What was the general result of your investigation into their complaints after they landed ?

Reply. I mustered them, and took care to identify their persons with the return that had been made. I heard their complaints separately, took them down in writing, and made a report of them to the Fiscal.

What was the result of your enquiry into the complaints of those who represented that they had been brought away against their consent ?

Reply. I endeavoured in those cases to ascertain from others, who were present, whether any foundation existed for their complaints, but they generally appealed to the evidence of persons who were absent in Ireland.

Were any objections made by any of the parties against the Terms of their engagements with Mr. Ingram ?

Reply. Some of those who had signed Indentures on board the Ship complained that they were not made acquainted with the conditions, and others stated that they had been forced to sign them by threats that had been held out by Mr. Ingram of stopping their provisions, and with Imprisonment on their arrival at the Cape.

Did you find these complaints to be generally correct or otherwise ?

Reply. I did not investigate them. I was only authorized to receive their Complaints and report them to the Fiscal.

Did Mr. Ingram explain to you his reasons for not having brought out the full number of Settlers that he had engaged to bring ?

Reply. He may have made such explanation, but I do not now recollect.

Did Mr. Ingram complain to you of those who had refused to sign any Indentures ?

Reply. Mr. Ingram complained to the Fiscal that some of the Settlers were going about without passes from him, and had refused to serve him; some of these were under engagements and others were not. These complaints were brought by the Fiscal before the Sitting Commissioners of the Court of Justice, and the parties were severally tried and sentenced to serve Mr. Ingram for specified periods, and I beg to refer to the proceedings in these cases. These parties appealed to the full Court, and the judgments of the Commissioners were affirmed.

Have you received any complaints from the Settlers under Indenture to Mr. Ingram against the Terms of their Indentures ?

Reply. They have very generally complained of having to pay a large sum to Mr. Ingram for what they have generally understood to be the expences of their transport to the Cape.

Did they not appear to understand that they were engaged to pay these Sums to redeem their services for stipulated periods ?

Reply. Those who had signed Indentures in Ireland acknowledged that the Indentures had been read to them before they were executed, but that they did not generally understand the Terms. The Indentures remain with Mr. Ingram, who on assigning over their Services has usually made them sign an acknowledgment that they freely enter into such service, and engage to pay Mr. Ingram the stipulated sums out of their monthly wages, until the sum of £30 for a man and £20 for each woman &c. are paid off, being the charge for their passage. This charge the Settlers object to, conceiving that the £14 paid by Government had covered all expences.

In transferring or assigning their services, or indentures, is the agreement generally made before the Magistrate ?

Reply. No, it is not.

Are you aware of any instance in which the indentures have been cancelled ?

Reply. I am not aware of any of the Indentures having

been cancelled, but receipts have been produced to me for the sums paid to Mr. Ingram, which receipt is generally entered on the back of the Certificate by which these services of the party were transferred.

Have you generally observed whether these Settlers are intelligent or ignorant ?

Reply. They have generally appeared to me very ignorant and illiterate, but still capable of understanding those engagements when properly explained to them.

What Class of these Settlers have appeared to you to succeed best ?

Reply. The Coopers and Shoemakers and the Mechanics in general seem to have every prospect of doing well, and readily obtain employment. The Laborers have not so well succeeded as the wages they demand are generally too high for those to afford who could otherwise employ them.

To what do you attribute their demand of such high wages ?

Reply. To the sums that they have been obliged to pay Mr. Ingram.

What is the ordinary rate of wages demanded by the Irish Labourers ?

Reply. Thirty Rix Dollars a month and upwards, some demand 10 Schillings (or 1¼ Dollar) a Day besides subsistence, which may be reckoned at ½ a Rix Dollar ℔ Day. In consequence of this high demand, very few can obtain regular employment as labourers.

What are the wages usually given to coloured Labourers or hired Slaves ?

Reply. From 15 to 20 Rix Dollars a month, exclusive of their subsistence.

What have you observed to be the habits of the Irish laborers in Cape Town ?

Reply. They are much given to Drunkenness.

Have any been brought before the Fiscal for the commission of crimes ?

Reply. Not for any serious Offences, occasionally for disturbing the peace when in a state of intoxication. The complaints between Mr. Ingram and his people are frequent, and sometimes on the part of their employers, who complain that they will not work.

What are the reasons usually assigned by the Servants for refusing their work ?

Reply. They have generally complained of their bedding, and of the quality of their food, and they have appeared to be discontented and dejected on account of the deduction from their Wages to make good the payments to Mr. Ingram. These complaints have generally proved very easy of adjustment. There have been very few instances in which they have been carried before the Court of Justice. The Complaints of this nature are generally on the part of the Employers against the Boys.

To what do you attribute this circumstance ?

Reply. To the impression the boys have conceived that the Magistrate has no control over them, and the reluctance of the Masters to incur the expences of prosecution before the Court of Justice and the loss of time consequent to such proceeding.

Do you think yourself authorized in the present state of the Law to inflict punishment upon them for quitting the Service or neglecting the work of their Masters ?

Reply. I do not.

Do you consider the regulations applicable to apprentices in the Colony in force with respect to these boys ?

Reply. I do not, and therefore have not acted upon them.

What course have you pursued when complaints of this kind have been brought before you ?

Reply. I have endeavoured to settle them by reasoning with the boys upon the effects of their conduct, and when I have failed in effecting a compromise I have brought the complaint before the Sitting Commissioners of the Court of Justice, by whom the boys have generally been found to blame and have been sentenced to slight punishment of a few days' confinement in the Jail.

Have the Irish Settlers engaged their services with the Dutch or English Inhabitants ?

Reply. Chiefly with the English, but in some instances the Dutch, who would be glad in general to get rid of them.

To what do you attribute this circumstance ?

Reply. In their not agreeing with the Slaves in Dutch families and not being willing to be put on the same footing with them in respect to work.

What are the rates of Wages obtained by those employed as Mechanics ?

Reply. I cannot say what wages they have received, but the ordinary rates of hire for Mechanics in Cape Town are from Two to Three Rix Dollars a day, exclusive of subsistence. I recollect that one of the Irishmen who was a Mason demanded 3 R. Drs. a day and his Subsistence including an allowance of wine, but he could not obtain work at that rate.

(Signed) W. C. VAN RYNEVELD, Deputy Fiscal.

Evidence given to the COMMISSIONERS OF ENQUIRY *by* MR. THOMAS HARRIS.

CAPE TOWN, 14*th August* 1824.

I believe that you are clerk to Mr. Ingram ?

Reply. I have acted in that situation and done the business of clerk gratuitously, as I am a relation of Mr. Ingram's. My brother also acted in the same situation.

You came out with him from Ireland with the last Emigrant Party that he brought to this Colony ?

Reply. I did.

How long were you with him previous to the ship's departure from Cork ?

Reply. About a month.

Had he not some person in his employ as clerk besides yourself, and what was his name ?

Reply. A person of the name of Freeman used to fill up Indentures for Mr. Ingram at last, but he did not come out with him.

Did you or your brother agree to pay Mr. Ingram for your passage to the Cape ?

Reply. No, we did not, we made no agreement whatever with him.

Are you acquainted with the terms and conditions of the agreement that Mr. Ingram made with the Lords of the Treasury before his departure from Ireland ?

Reply. I cannot say that I am.

What means did Mr. Ingram take in Ireland to make known

his project of taking people to the Cape of Good Hope, as well as the conditions of their passage thither ?

Reply. I believe by Advertisement in the Newspapers, but I have seen him distribute indentures for the people to read who surrounded the Office, and I have seen the Clerk read the Indentures for them.

Have you ever seen or read those advertisements yourself ?

Reply. No, I have not.

Do you know whether any such Advertisements were posted up in the streets of Cork, previous to his Departure ?

Reply. I do not know that I ever saw any such advertisements.

Had Mr. Ingram an Office in Cork when he transacted the business connected with the expedition ?

Reply. He had.

Did you frequent that Office ?

Reply. I was there frequently, and gave occasional assistance when asked.

Did it ever become known to you that several of the Individuals that had signed Indentures and had agreed to accompany Mr. Ingram to the Cape of Good Hope afterwards declined to go ?

Reply. I believe that many did.

From what cause do you think that proceeded ?

Reply. I believe that the Catholic Priests interfered in many instances, and even mentioned it in their chapels.

Do you know what was the nature of their objection ?

Reply. I am not certain, but I should think it arose from their seeing so many Catholics leaving the Country.

Did you ever hear them complain of the want that the Emigrants would experience of a Priest of their own persuasion?

Reply. Never.

Did you ever hear the Emigrants themselves make this complaint ?

Reply. I never did.

Did Mr. Ingram experience any difficulty in completing his number of Emigrants that he had agreed with the Government to carry out ?

Reply. I have understood from Mr. Ingram that he had indentured a greater number than he had agreed to take out,

including the 50 he had agreed to take on his own account, but several went on board the ship and went away. Some returned, and some did not. The ship was at length removed to some distance from the Cove, to prevent the passengers having such free access to the Shore by which it was found that they succeeded in concealing and carrying away a great number of Beds and Blankets that had been provided for them.

Were any of the Persons whom Mr. Ingram had indentured sent away from the Ship on account of bad character or bad conduct ?

Reply. A few were, but not many. They consisted of three women and one man of very bad character.

Were they allowed to come on board long before the Ship sailed ?

Reply. They were very nearly a month, Mr. Ingram was delayed for that period on account of the bad quality of the provisions that he had ordered, they were afterwards supplied from the Government Stores.

Was any muster of the Emigrants made, and by whom, before the Ship sailed ?

Reply. The muster was made by a Mr. Lewis, who is the Government Agent at Cork, on the Evening before the ship sailed. He had a List by which he called over the names of the people, who then passed from one side of the ship round the Capstan.

Were the numbers of people that Mr. Ingram engaged to carry out found to be complete at the muster ?

Reply. They were, and amounted to 400 including his own family.

It has been stated to us that there was so much confusion on board the ship at the time that the names could hardly be heard ?

Reply. Precautions were taken to prevent confusion as much as possible. Ropes were drawn from the Gangway round the Capstan, and the Ship's Company were placed at intervals to prevent the people from passing too quickly.

Was any List of the People who embarked signed by Mr. Lewis and delivered to Mr. Ingram ?

Reply. I can't say. I believe Mr. Lewis kept a list himself.

Were any people prevented from leaving the ship on the night before she sailed from Cork ?

Reply. I don't know that anybody wished to go, but they would have been prevented if they had.

Do you know how many came on board and sailed from Cork without having signed Indentures ?

Reply. No, but there were several.

How did it happen that they did not sign Indentures before they came on board ?

Reply. I believe from hurry, and the various engagements of Mr. Ingram.

Do you think that the conditions of the Indentures were made known to all the parties that came on board ?

Reply. I think they were, and that all knew the conditions, tho' they might have learnt what they were either from Mr. Ingram or from the Clerk or each other.

Was it well known to the Emigrants that a sum of money was expected to be paid by them to Mr. Ingram, independent of the passage afforded by Government ?

Reply. I believe it was fully known.

Do you know an Emigrant named Malachy Crowley ?

Reply. I do.

Had he signed an Indenture before he embarked ?

Reply. I can't say.

I see that a great many of the Indentures are dated on the 18th September 1823. Two on one day before the Ship sailed. How did it happen that they were not signed before ?

Reply. The people had agreed to perfect their indentures on board, and several arrived bringing Tickets with them from Mr. Ingram or his Clerk.

Did Mr. Ingram engage to provide Clothing or Bedding for the Emigrants during the passage ?

Reply. I believe not. Certainly not clothing. He has provided several with it who were in great want, but he does not mean to charge them for it.

Did he engage to provide Bedding ?

Reply. I think that in the List that was shown at Cork at Mr. Ingram's Office, a Bed, a Blanket, and a Pillow were agreed to be furnished, and they were furnished on board the ship, and served out by my Brother and myself.

How did the Passengers generally conduct themselves during the passage ?

Reply. Considering the number pretty well.

Did any serious disturbance ever take place ?

Reply. Only once, on account of a drunken man having struck an officer on duty. He was afterwards imprisoned and flogged. This was the only unpleasant thing that happened during the voyage.

Had you a Surgeon on board ?

Reply. Yes, we had.

Did any death occur during the passage ?

Reply. Not one, and I think there was only one serious illness. The appearance of the Passengers was much improved at the end of the voyage.

Had any of them refused to sign Indentures before they landed in the Colony ?

Reply. Some did.

What means were used to make them sign ?

Reply. In some instances Mr. Ingram threatened to charge them more than £30 for their passage, if they did not sign their Indentures.

When the Deputy Fiscal came on board to muster the passengers and enquire whether they had any complaints, did several of them come forward ?

Reply. Several of them came forward from Curiosity I believe, but there was nobody but a man named Jones that made any regular complaint.

Where did the Emigrants first proceed on Landing ?

Reply. Berths were fitted up for them at Zonne Bloem, Mr. Ingram's place, others remained in Cape Town and got drunk.

Were many applications made to Mr. Ingram for Servants, and how soon after they landed ?

Reply. Some applications were made before they had all landed, and frequent applications were made afterwards.

What description of men appeared to be most in request ?

Reply. Mechanics generally. Labourers were also looked after, but especially boys and girls.

Has Mr. Ingram kept an account of the Dates and Terms of assigning the people to the Service of others ?

Reply. He has.

Did the Emigrants appear to be satisfied with the arrangements that they made with their new Employers ?

Reply. As far as I have seen they were perfectly satisfied.

Does Mr. Ingram assign over the Indentures to the parties who take Servants from him ?

Reply. The original indentures were given up by Mr. Ingram to the Deputy Fiscal, and the Duplicates of them that were executed at the same time are given to the parties who become bound by them.

Then what is the nature of the Document that he takes from the parties to whom he assigns the Servants ?

Reply. I believe that it is in the nature of a promissory note for the money that is to be paid by the Servant, and sometimes Cash is paid to him in advance. He also enters into an agreement with the person who takes a Servant, on behalf of the latter, by which the Master engages to pay the Servant so much wages &c., and the Servant receives a Counterpart of the agreement for his Security.

Does he ever take less than the Sum mentioned in the Indenture ?

Reply. Not that I know of.

Are these agreements printed ?

Reply. No, they are not.

Do they contain the same conditions as the original Indentures signed between the Servants and Mr. Ingram ?

Reply. I do not think they do, the agreements vary.

Have the emigrants been sickly since they arrived in the Colony ?

Reply. They were sickly at first in consequence of drinking new Cape Brandy, but they have mostly now recovered.

How many Emigrant Servants remain yet to be disposed of ?

Reply. 29 Men, 3 women and 4 or five children.

Are any of these out of health ?

Reply. One is dangerously ill, but the others are not.

What was the rate of wages of a Mechanic in the South of Ireland in the Autumn of the year 1822 ?

Reply. About 2*s.* 6*d.* or 3 shillings per day to a Cooper or a Mason, but they could not always find Employment, and the subsistence was not included in the above Sum.

You have said that the number of People that were mustered

on board the Ship the evening before she sailed from Cork amounted to 400 including Mr. Ingram's own Family, how does it happen that the number landed at the Cape only amounted to 352 ?

Reply. From several having stolen away during the night and returned on shore with the Friends of the others who had been permitted to come on board. 12 or 13 went from one Mess (Reardon's) during the night.

(Signed) THOMAS HARRIS.

[Copy.]

Memorial of MR. C. F. LIESCHING *to* LORD CHARLES SOMERSET.

The Humble Memorial of C. F. Liesching most respectfully sheweth !

That Memorialist had the honor of Personally presenting a Memorial to your Lordship on the 18th May 1824 praying with reference to the Certificate thereunto annexed, and upon the grounds set forth in said Memorial, that your Lordship might be graciously pleased to sanction his continuing to practise for his individual account in the Branches of an Apothecary, Chemist and Druggist, in which profession he had for the space of five years, after having served out the term of his apprenticeship, been engaged as managing Partner in the firm of Dr. Liesching & Co.

That on that occasion Memorialist took the liberty of verbally stating to your Lordship that, from some differences existing between Dr. James Barry the Colonial Medical Inspector and your Lordship's Memorialist and the repeated declarations which in consequence had fallen from Dr. James Barry, your Lordship's Memorialist felt induced to apprehend that Dr. Barry would shew himself most unfriendly to Memorialist's prayer ; in reply to which your Lordship was graciously pleased to assure Memorialist that differences of a private nature should not affect the merits of Memorialist's case. That some time after, being informed that his memorial had been referred to the Chief Justice Sir John Truter for his opinion and report,

your Lordship's Memorialist called on Sir John Truter, who kindly communicated to memorialist his view of the case, consisting principally herein: that His Honor conceived the Certificate memorialist was possessed of sufficient to entitle him to practise as an Apothecary, Chemist and Druggist in this Colony, provided he was prepared to submit himself to the examination of some competent professional Gentleman, His Honor being of opinion that it would be very hard to require from a native a Certificate from Europe, respecting a profession the qualifications to which he can acquire in this Colony.

That a considerable time elapsing without Memorialist being favoured with a Reply to his memorial he applied by letter of the 26th July to the Acting Colonial Secretary P. G. Brink Esqre., humbly requesting that an answer might be granted to him on his memorial, upon which memorialist received a letter from the Acting Colonial Secretary of the 6th Instant, informing him that his Memorial had been referred to the Colonial Medical Inspector for his report.

That your Lordship's Memorialist after having been favoured with the opinion of the highest legal authority in this Colony, as to the *Merits of the Certificate* which he had produced, now considered himself justified in looking upon this reference merely as a direction from your Lordship to the Colonial Medical Inspector for the *examination* of your memorialist, and although he naturally felt uneasy at the idea of submitting himself to the examination of the very individual with whom he stood in so unfriendly a relation, and who had so repeatedly declared that he would employ every possible means to resist the attainment of memorialist's object, still upon reflection, considering that Dr. James Barry in his capacity as a Public Officer owed it to your Excellency as the High representative of our gracious King and as a man of honor owed it to the Society at large, *bona fide* to examine and to report upon.

On the evening of Monday last the 9th instant Memorialist received a letter from Mr. T. K. Deane requesting him by desire of the Colonial Medical Inspector, to attend at Dr. Barry's *quarters* the next day at 12 o'clock and to bring with him any Documents of a Professional nature he may have in his possession. Your Lordship's memorialist punctually attended the Summons, expecting that he would have to

undergo an examination for which he was fully prepared. Memorialist however, instead of being examined by Dr. James Barry, was asked by him 1st whether he had ever *been in Europe*. 2d *Whether he had ever been in India*, both of which questions having been answered in the negative the Doctor required from Memorialist to produce his Certificates, upon which Memorialist submitted to him a Copy of the one annexed to his memorial of the 15th May and was dismissed. Staggered at this proceeding memorialist immediately repaired to the Colonial Office, and now, my Lord, let me implore your Lordship's attention to what it is now my painful duty to relate: facts however, which My Lord *I am ready to confirm by Oath*. I was then informed by the acting Secretary *That Dr. Barry's report had been received, and that Mr. P. G. Brink had your Lordship's Commands to cause a Reply to be issued in consequence*.

Dr. James Barry's report received and the fate of myself and Family decided when I hardly had quitted his presence! I now plainly saw I had been called for Mockery!!

Reduced to this extremity I resolved to implore that protection and justice at the hands of your Excellency which I plainly saw and felt was in vain to be looked for elsewhere.

I thrusted myself into your Lordship's presence and attempted, however vainly, to give words to my grievance. Your Lordship caused me to be informed that Your Lordship would receive my Statement in writing.

This communication I received from Mr. P. G. Brink, who at the same time informed me that the reply to my Memorial would be handed to me the following day. And now My Lord, on this last saying of Mr. Brink it suddenly struck me, when Dr. James Barry's report upon which that reply was founded could possibly have been received, as little or no time had elapsed between my interview with Dr. Barry and with Mr. Brink and your Lordship *on the 10th Instant*, it struck me then that there was a possibility of Dr. Barry's vindictive disposition against me having so far led him away *as to report upon my qualifications before he ever sent for me, before he ever exchanged a word with me in obedience to your Lordship's commands*. Under such an impression, which I own for the sake of the character of every Gentleman only gained grounds with me by

degrees, I left the Public Buildings, however determined to be resolved upon a point so important, I called upon Mr. P. G. Brink towards the evening, and put the plain question to him, at what time Dr. Barry's report with regard to me had been received ? This question evidently appeared to cause embarrassment to Mr. P. G. Brink, and altho' he declined giving me a direct answer, yet the Acting Colonial Secretary admitted *that he had received a Report from Dr. Barry a few days ago, which he had however returned since Dr. Barry had acknowledged to him that that report had been framed without my having been ever called into his presence.*

Thus My Lord, we find the fact established that Dr. James Barry has (or at least has attempted) to condemn me before he had even thought it worth while to let me pass a mock trial, a fact which on the admission of the Acting Colonial Secretary P. G. Brink Esqre. I repeat it once more, I am ready to take my Oath for.

It now appears to matter little whether and under what circumstances the other report dated the 10th instant (the same day on which I had the honor of being called into Dr. James Barry's presence) and of which a Copy is annexed to my reply and is subjoined to this memorial together with a Copy of the reply itself was made.

The fact is established that whatever my qualifications were, however much your Lordship was inclined to have justice done to me, I was prejudged by Dr. James Barry. There was no necessity for a Trial, nay even not for anything in the shape of a Trial, and my wife and children were doomed to poverty and disgrace and why ? because it was Dr. James Barry's pleasure.

This fact My Lord, this glaring instance of the partiality of Dr. J. Barry I now most humbly, but most confidently submit to your Lordship without any further comment, but leave it to your Lordship's wisdom and humanity to decide, whether under these circumstances Dr. Barry can any longer be the arbiter of my fate.

Before I close this Memorial in which I fear I have already been too prolix, I humbly take the liberty to call your Lordship's attention again to the peculiar situation in which I am placed. That I have served my apprenticeship, have been

employed as acting partner during the space of not less than ten years, in a profession the admission to which in this Colony has within my knowledge been granted by Dr. James Barry on the production of a mere Certificate, *without any examination, and this to individuals who had come out from Germany as Assistants to the very concern which I superintended as acting partner*, and the subject now before your Lordship does not merely involve the question of the fate of your memorialist and his wife and children, who look up to him for support, but the fate of every native of this Colony, now apprenticed to Apothecaries, Chemists and Druggists in this Town, in as much as my case will decide whether the mere Certificate of a *foreigner* shall be deemed sufficient when an equal Certificate and the readiness to submit himself to a fair and impartial examination of one of His Majesty's subjects, a Child, if only an adopted child, of His Britannic Majesty's Government intrusted to your Lordship's protection, shall be arbitrarily rejected.

My Lord, my feelings I fear will overpower me if I proceed, and it is therefore that I implicitly throw myself upon your Lordship's generosity, upon your Lordship's Justice, and pray that your Lordship may be pleased to act in my case, as your Lordship in your high wisdom shall deem proper.

(Signed) C. F. LIESCHING.

Cape Town, 14th August 1824.

[Copy.]

Letter from LORD CHARLES SOMERSET *to the* COMMISSIONERS OF ENQUIRY.

GOVERNMENT HOUSE, CAPE TOWN,
16th August 1824.

GENTLEMEN,—In reply to your Letter of the 10th Instant, I have the honor to inform you that there is not any Document in the Colonial Office from His Majesty's Government relative to Mr. Scully's Mission to this Colony.

I have the honor to enclose copies of the documents that relate to Mr. Scully or the Roman Catholic Establishment here.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[All the enclosures in this letter have already appeared, except the following.]

MEMORIAL.

To the Right Honorable His Majesty's Principal Secretary of State for the War Department.

MY LORD,—Your Lordship's Memorialist most respectfully begs leave to represent to Your Lordship—

That he has received a Letter dated the 16th of August last from the Office of the Congregation at Rome, appointed to superintend the general concerns of the Catholic Religion, stating that the Dutch Government had established a Catholic Mission at the Cape of Good Hope and supported two Clergymen at its own expence for the benefit of the Catholic Soldiers formerly doing duty in the Garrison stationed there, also that the Office of the said Congregation at Rome maintained a third Catholic Clergyman at the Cape, whose duty it was to administer the Blessings and Comforts of Religion to the Catholic Inhabitants of the Town and of the neighbouring Country. That when the Cape of Good Hope was taken by the victorious Army of His Britannic Majesty, it is said that the English General ordered all the Clergymen to depart, notwithstanding the earnest entreaty of the Catholic Inhabitants of the Town and neighbouring Country that they might be permitted to remain and to exercise their spiritual duties amongst them.

That in this state of spiritual distress and total privation of all the means of religious instruction and consolation to which these new subjects of His Majesty are reduced by being thus deprived of the services of their Pastors, the Cardinal Prefect of the aforesaid Office of the Sacred Congregation at Rome, expressing a grateful sense of the generous protection and support which has been granted on different occasions by His

Majesty's Commanders and Generals to the free exercise of the Catholic Religion in the various parts of the Globe to which the mild influence of His Majesty's Government has been extended, and feeling a lively confidence that the late addition to His Majesty's Conquests will not be denied the benefits which the others enjoy, has requested your Lordship's Memorialist to lay the distressed state of the Catholics of the Town and neighbouring Country of the Cape of Good Hope before your Lordship, and to entreat your Lordship to adopt such measures for their spiritual relief and comfort as to your Lordship's wisdom may appear best.

Your Lordship's Memorialist flatters himself that in taking the liberty to address himself to your Lordship in favor of these poor people in their present distress, he shall at the same time meet your Lordship's humane feelings and ardent desires of promoting the general interests of the British Empire. He begs leave to express his strong conviction that if the Catholic Inhabitants of the Cape should be so happy as to see their Pastors restored and the Catholic Mission re-established amongst them, and supported by the favor of your Lordship and others His Majesty's Ministers, as it was formerly supported by the Dutch Government, they will ever remain more faithfully attached by duty and gratitude to His Majesty's person and Government, and will esteem it their glory and interest to support the cause of the British Empire, to which they will rejoice that they are now so happy as to belong. Indeed the better they are instructed in their religious duties, the more submissive will they become by principle to that Government under which Providence has placed them, and if by your Lordship's indulgence they obtain this object of their most ardent desires, they will never cease to bless that beneficent land, from which they receive the favour.

Your Lordship's Memorialist has the Honor to be with Sentiments of profound respect, My Lord &c.

(Signed) JOHN DOUGLASS, Vic. at Lond.

Castle Street, Holborn, November 4th 1806.

[Copy.]

Letter from the Landdrost of Albany to the Commissioners of Enquiry.

GRAHAM'S TOWN, 16*th August* 1824.

GENTLEMEN,—I have the honor to inform you, in reply to your Letter of the 6th Instant, that the two Sums of Rds. 1050 and Rds. 1450 advanced by the Colonial Government in December 1823 were distributed in that month as follows: (See Enclosure in Letter of 19th February 1824), and that with the exception of three sums paid to Messrs. Adams, Walker, and Burnett, amounting to Rds. 250, (which were given as gratuities) Notarial Bonds have been passed by the several individuals for the repayment of the Sums advanced.

I have the honor also to state that the Sum of Rds. 7,000 advanced in the last month is to be appropriated to the following Individuals who are to pass Mortgage Bonds for the repayment of the several Sums, and which Bonds are now in preparation, viz. W. Wait Rds. 1200, J. H. Dixon Rds. 600, T. P. Adams Rds. 600, H. Lloyd Rds. 600, T. Palmer Rds. 500, G. Nelson Rds. 500, W. S. Owen Rds. 600, J. Rowles Rds. 400, the Widow Cadle Rds. 500, F. Fynn Rds. 1500.

I have also the honor to transmit a Copy of My Letter to the Colonial Secretary dated 21st October 1823 reporting the distress occasioned by the heavy Storm in that month, and to state that the situation of the Settlers in the Years 1822 and 1823 was communicated by me from time to time to His Excellency the Governor, in consequence of which assistance was afforded to them by a continued supply of Rice and Seed Wheat gratis, but I have not retained copies of my Letters, nor were any resolutions entered into by the Board of Landdrost and Heemraden on the subject. I have &c.

(Signed) HARRY RIVERS.

Copy.

[illegible] LORD CHARLES SOMERSET to the COMMISSIONERS of INQUIRY.

GOVERNMENT HOUSE, CAPE TOWN,
17th August 1824.

GENTLEMEN,—I have the honor to acknowledge the receipt of your Letter transmitting to me an Extract from the Reply made by Lieutenant Colonel Bird to the 4th article of Charge contained in the affidavit of Mr. William Parker lately transmitted to you by Earl Bathurst.

With regard to the grants made to Lieutenant Colonel Bird which he states to be so insignificant in value, I take leave to observe that that value appears to have been so differently represented by Lieutenant Colonel Bird to the President and Members of the Bank, that in the Month of June 1823 they advanced him a Sum of Ten Thousand Six Dollars from the Bank, taking those grants as Security.

Relative to the Quit Rent Grant at Hout's Bay, late Baron Hogendorp's, I have only to refer you to enclosure A, by which you will perceive that H.M. Fiscal D. Denyssen, Esqre.) presented a Memorial to the Acting Governor, notifying the intention of Baron Hogendorp's Agent to relinquish on the part of his Principal, and his acquiescence in its being transferred to Mr. Denyssen. Mr. Denyssen also prayed for it at the perpetual quit rent at which it was granted to Baron Hogendorp, viz. 200 Rixdollars per annum, offering at the same time to pay the arrears of Rent then due, viz. 650 Rixdollars. It will however appear upon a reference to the Land Revenue Office that Lieutenant Colonel Bird did *not* pay the arrears, and that he only pays a Quit Rent of 25 Rds. in lieu of 200 Rds. as offered by Mr. Denyssen, altho' the Acting Governor, by the extract from his Letter from Graaf Reynet quoted by Lieutenant Colonel Bird, expresses "that he places the Grant at Lieutenant Colonel Bird's *option*." By comparing the terms on which the Grant was made over to Lieutenant Colonel Bird with those offered by Mr. Denyssen, it will appear that the public loses 650 Rds. (the arrears) and 175 Rixdollars annually.

With respect to the Land in Cape Town, upon which a part

of the Custom House formerly stood, I differ so widely from Lieutenant Colonel Bird with regard to its general value, as well as to its great importance to the Government, that I trust Gentlemen you will be induced to seek further Information upon the first point, and that you will examine the Officers of H.M. Customs as to the necessity of applying that spot of Ground to the extension of the Custom House Buildings.

I differ equally widely with Lieutenant Colonel Bird when he draws an analogy between this Grant and the one made to Mr. Harrington. To compare the eligibility of the site of the latter with that of the former is too absurd to waste a word of remark upon. The document B will shew that the Ground granted to Captain Harrington was not Government Land, but belonging to the Burgher Senate, and that it was considered so little eligible in point of situation as to have been allotted for the building of Stables for the Colonial Secretary at the time that Officer occupied apartments in the Castle; that it was only granted to Captain Harrington after his having produced Bills that the Building Materials (a Complete House and Store) then on board the *Scaleby Castle* at anchor here, cost £16,000 Sterling, and which he was ready to place here for ever on being granted a Plot of Ground to put them upon, and that the Import Duty which Captain Harrington paid on Landing the materials very far exceeded any value which could have been estimated upon the plots of ground given to him to erect them upon.

With regard to my having granted 3,000,000 acres during the period that I have held the Government, it is necessary that I should prevent an erroneous Construction being put upon that assertion, by explaining that the Change of Tenure recommended by the Government to the Occupiers of Land by the Proclamation of the 6th of August 1813 only began to take effect at the Commencement of my administration in the early part of April 1814, so that the 3,000,000 of acres include the whole of the Loan Places converted into quit Rent, a measure which the Government was so anxious to effect that it forbad the granting of any Government Land to anyone who had a Loan place unconverted, or rather, who had not prayed for its conversion into perpetual Quit Rent, a Rule that I never knew to have been deviated from until August 1820, when about

1100 Acres were granted to Mr. J. G. Faure in the Stellenbosch District, who at the time possessed a Loan Place unconverted called "Aan de Zeekoe River." The Instances of Sir John Truter's Grants and Mr. Ellis's are as inapplicable to Lieutenant Colonel Bird's as all the other cases which he has brought forward as analogous. The Land granted to Sir John Truter went thro' all the requisite Ordeal of Survey, Valuation, Inspection and Report, and not only was no favor shewn to this meritorious Public Officer, but the Rents which have been affixed to his Lands are so high that no ordinary Farmer could retain the Land at them. Mr. Ellis's case is equally inapplicable; he applied to Earl Bathurst when I was in England in 1821, for the Grant of the Riet Valley Farm, and His Lordship called on me to report officially what I considered the real value of the Farm. My valuation of it was 1000 Rds. per annum as its full value; and His Lordship made no deduction from that Rent. On my return here I mentioned the circumstance to Lieutenant Colonel Bird, his observation was that "he was sure it was more than Mr. Ellis could ever make of the Farm."

Upon the 9th Charge there is very little for me to observe upon. I selected Captain Trappes for the Landdrostship of Worcester, because I considered him the most eligible and competent person then at the Cape who was willing to accept of a Landdrostship.

It would not become me however to pass unnoticed the disrespectful expressions which Lieutenant Colonel Bird applies to the non-confirmation of Major Jones as Landdrost of Albany by Earl Bathurst, aware as Lieutenant Colonel Bird is that it was His Lordship's sole act, by my having confided to him on my return here all that passed between Mr. Goulburn and myself on that subject, neither can I avoid remarking Lieutenant Colonel Bird's assertion equally unfounded as it is indecorous, that the Appointments in this Government *not* selected through his influence were not made from those motives of conscientious duty which Lieutenant Colonel Bird *knows* have guided every act of mine in the administration of this Government. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the REVEREND COLIN FRASER *to* R. W. HORTON, ESQRE.

20 SOUTH MOLTON STREET,
LONDON, 20*th August* 1824.

SIR,—I beg leave to acknowledge having received his Lordship the Earl Bathurst's communication, relative to the additional sum of thirty pounds, to be advanced to me by the Agent for the Cape of Good Hope. My passage per the *Cornwallis* I have engaged; and all other things I am getting in readiness to embark on or about the 25th current. Upon Arrival at Cape Town, I must produce my certificates, also the extracts of my License and ordination: it will therefore be necessary that I receive the Testimonials lately submitted to the consideration of his honour, the Earl Bathurst. The Extracts of License and Ordination, are documents which a Clergyman cannot want.

Regretting much I never had the honour of a short interview with you, relative to the charge I am soon to occupy under the auspices of the British Government, I am Sir, &c.

(Signed) COLIN FRASER.

[Copy.]

Letter from the Commissioners of Enquiry to the Chief Justice and Members of the Court of Justice.

CAPE TOWN, 23*rd August* 1824.

WORSHIPFUL SIR AND GENTLEMEN,—In requesting the opinion of the Members of the Court of Justice upon the following points of Law that have arisen in the late prosecution carried on by His Majesty's Fiscal against William Edwards for writing and publishing a Libel against His Excellency the Governor, we trust that the Court will do us the justice to believe that we are actuated by no other motive whatever, than that of a desire to obtain the most correct information of the

state of the Law upon points materially affecting the personal security of the Inhabitants of the Colony, and that we utterly disclaim any reference whatever to the conduct of the Officers of Justice who have taken a part in these proceedings, being fully persuaded that they were actuated by a wish to discharge their duties with fidelity and zeal.

Without entering into any further explanation upon the subject, we venture to submit the following points for the consideration and opinion of the Worshipful Court.

1st. Is an Official Communication from the Colonial Secretary to His Majesty's Fiscal, referring to a personal and verbal communication made by His Excellency the Governor to the Secretary, of such a nature as to supersede the necessity of substantiating and verifying the contents of such communication by oral proof ?

2nd. Can an Order of the Court of Justice for the personal arrest of an Individual be issued upon communications simply of this nature, and unsupported by any other proof ?

3rd. Is it competent to the Commissioners of the Court of Justice to enter upon judicial proof of a Signature, which a person accused of writing it denies, by comparing it with a signature of a Letter alleged, but not proved, to be of that Person's handwriting ?

4th. Are acknowledgements made by an accused party in the course of pleading and involuntary, of the same validity as those that are made deliberately; and can a person be convicted of a crime upon such involuntary acknowledgements ? We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Letter from the FISCAL *to* MR. JAMES THOMAS ERITH.

FISCAL'S OFFICE, 23*rd August* 1824.

SIR,—Having summarily enquired into the circumstances relating to your different complaints as preferred by you against the conduct of the Landdrost and other Public Func-

tionaries in the District of Albany, and having taken into consideration that your principal complaint against the Landdrost of Albany has been laid before his Excellency the Governor, who decided thereon in his reply of the 29th March 1823 to the Memorial of Mrs. Erith, I hereby beg leave to inform you that I do not feel myself justified to institute a criminal prosecution against any of the Public Functionaries whose conduct you complain of. I have &c.

(Signed) D. DENYSSEN, Fiscal.

[Copy.]

Evidence given by DANIEL DENYSSEN, ESQRE., *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *24th August* 1824.

Did you not apply in the year 1821 for the grant of a piece of Land in the Hout Bay Valley ?

Reply. I did.

Is the letter produced to you a copy of the one addressed by you to His Excellency Sir Rufane Donkin on that occasion ?

Reply. I believe it is.

Did you make that application after you had seen the Land and satisfied yourself of its value ?

Reply. I may have seen it, but my knowledge of it was chiefly derived from the information of others. I conceived that if cultivated, it would be worth the Rent attached to it; but from being partly covered with Palmiet, much labour would have been required to render it productive.

For what purpose would the possession of it have been principally desirable to you ?

Reply. For Vineyard and Garden Ground, for which it was favorable both with respect to Soil and Situation.

Is it conveniently situated with reference to a Market ?

Reply. It is distant about three hours journey from Cape Town, over the Kloof; and there is no nearer market.

Is it situated near the Sea Coast ?

Reply. It is situated about an hour and a half's journey from the Sea and on the declivity of the Hill.

Had you seen any report of the inspection of the Land when the Rent of 200 Rixdollars had been fixed for it ?

Reply. I had not, to my recollection.

Then you are not aware upon what estimate of its resources the land was considered capable of bearing such a Quit Rent ?

Reply. I am not, the information I had of it was very general.

Was it your intention to have built upon the Land ?

Reply. I did intend to have built upon it, and one inducement with me in desiring to possess it was the expectation of my being able to make it a place of residence for my family, for which the salubrity of the air and its vicinity to Cape Town appeared to recommend it.

What answer did you receive to your application ?

Reply. I do not now remember whether I received a verbal or official answer from Sir Rufane Donkin, but I recollect having heard soon afterwards that the Land was granted to Lieutenant Colonel Bird.

(Signed) D. DENYSSEN.

[Copy.]

Letter from the REVEREND WILLIAM GEARY *to* LORD CHARLES SOMERSET.

GRAHAM'S TOWN, *August 24th* 1824.

MY LORD,—I have the honor to submit to your Lordship the copy of a letter I received from His Majesty's Fiscal, in answer to one I lately addressed to him requesting the immediate prosecution of Captain Fitzroy for inserting into the Cape *Gazette* of the 21st of February last a false, scandalous, and malicious libel, calculated to expose my person and clerical character to the scorn and derision of the public.

I am persuaded it would be no less an insult to your Lordship's understanding, than a sad abuse of your time and patience, to point out the evasive drift of the Fiscal's reply, or notice the imbecility of those arguments which, with such little consideration for the credit of his Profession, he can condescend to employ, and which one might expect as coming

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er in so high and important a station, would
he merit of *ingenuity* to recommend them.
If therefore to the more immediate purport
your Excellency, I most respectfully and
at your Lordship will be pleased to give
His Majesty's Fiscal to prosecute the late Editor of the Cape *Gazette* for so far disgracing its pages as to insert a false, scandalous, and malicious libel against a Clergyman of the Established Church of England. I have &c.

(Signed) WILLIAM GEARY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LIEUTENANT COLONEL BIRD.

CAPE TOWN, *25th August* 1824.

SIR,—With reference to the explanations contained in your reply to the 6th article of Charge exhibited in the affidavit of Mr. Parker, we have the honor to enclose to you an extract from a Letter we have received from His Excellency Lord Charles Somerset, to whom we considered it necessary to refer upon this point, wherein it is stated that an offer has been made by Mr. Denyssen His Majesty's Fiscal to pay the Quit Rent of 200 Rds. and the arrears due upon the Land relinquished by Baron Van Hogendorp at Houts Bay. We have taken the evidence of Mr. Denyssen upon this point, who applied for the Land with an intention of forming an Establishment there, had the Grant been made to him, and who has stated that with this object, for which the place was recommended to him by its salubrity and its vicinity to Cape Town, he would have been willing to pay the whole Quit Rent and Arrears, even tho' the extent of Cultivated Land, and the expense of clearing it, should not have justified so high an assessment.

We are induced to furnish you with these particulars in order that you may be enabled to add any explanation respecting the different view that was taken by Mr. Denyssen of the

annual value of the estate in question, and the diminution that the refusal of his Offer has occasioned to the public Revenue. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Letter from the Officials of the Lombard Bank to the Commissioners of Enquiry.

LOMBARD BANK, 25*th August* 1824.

GENTLEMEN,—In reply to your letter of yesterday's date, we have the honor to inform you, that sometime previously to the 23rd of June 1823 we received an application from Colonel Bird for a Loan from the Lombard Bank of the sum of 10,000 Rixdollars, on the Security of a piece of Land situated in Hout Bay and another adjoining the Custom House in Cape Town, together with the collateral personal sureties of J. W. Stoll and P. G. Brink, Esqrs., and that on the 23rd of June the said Sum of 10,000 Rixdollars was advanced to Colonel Bird out of the Funds placed under our administration in this Department, having previously estimated the value of the said two pieces of Land, viz. that next the Custom House at 20,000 Guilders, and the other in Hout Bay at 30,000 Guilders. We have &c.

(Signed) J. MARSHALL,
G. H. MAASDORP.

[Copy.]

Evidence given by CHARLES D'ESCURY, ESQRE., *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 25*th August* 1824.

Were you employed to inspect a tract of Land in the Hout Bay formerly granted to Baron Van Hogendorp, and now possessed by Lieutenant Colonel Bird ?

Reply. I was, it was inspected by me in March 1818 and was made the subject of a Report to the Government.

Had any inspection of it been made by the Landdrost and Heemraden of the District ?

Reply. None. The adjoining Lands belonging to Mr. Van Helsdingen were inspected some years before by the Landdrost of the Cape District; some inaccuracies in his Report had induced His Excellency the Governor to direct me to inspect that Land and to report upon it, which gave me an opportunity of inspecting the whole of the Hout Bay Valley, of which the Land in question proved a part. When it was determined in pursuance of Earl Bathurst's Instructions to confirm the Grant to Mr. Van Hogendorp in that valley, I went down expressly in 1818 to inspect and report upon it.

Was the proposed Quit Rent of 200 Rixdollars per annum the result of your valuation of the Land ?

Reply. It was so thro' a mistake in calculating the value of the Grazing Land at 25 per Cent on the annual produce of the Stock that it could bear, whereas it should have been only 10 per Cent, which would have reduced the Quit Rent from 203 to 108 Rds.

When did you discover the mistake ?

Reply. I cannot exactly say when I first noticed it, but it was in a casual examination of the Papers at a subsequent period.

Is the Memorandum shewn you a copy of one furnished by you to Lieutenant Colonel Bird respecting this Grant ?

Reply. It is a correct Copy, but to the original in my Office I find the following Memorandum is added: "N.B. On referring to my Report I find a mistake to have been made in calculating the value of the grazing Land at 25 per Cent on what it can maintain, instead of 10 per Cent which is that I always rate, so that the total amounts to 108 Rds. instead of 203 Rds. as there stated."

Can you furnish the date when you drew up this memorandum or gave it to Colonel Bird ?

Reply. I cannot furnish the date, I believe I gave it to him on the occasion of the Grant being made to him.

It is then probable that you noticed the mistake in referring to the Reports on this occasion ?

Reply. It is.

From the explanation contained in your Memorandum, it

would appear that a subsequent addition had been made to the Land originally allotted to Baron Van Hogendorp ?

Reply. There was no addition of productive Land made to the Grant as intended for Mr. Van Hogendorp; when I inspected it for him I caused the Boundary to be carried to the summit of the Hill for the reason explained in the Memorandum.

Then no further measurement was made of it for Colonel Bird ?

Reply. None, he received it as it was measured for Mr. Van Hogendorp.

Was the quit rent of 25 Rds. per annum, which was fixed upon it for Colonel Bird, assessed upon your Report ?

Reply. It was not.

Was any reference made to you by Sir Rufane Donkin respecting the terms and conditions of the Grant ?

Reply. No reference was made to me.

(Signed) CHS. D'ESCURY.

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *August 26th* 1824.

MY LORD,—Having ascertained from minute enquiry that the representation contained in the enclosed Letter from the Landdrost of Stellenbosch is strictly correct, I have felt myself compelled to authorize (subject to your Lordship's confirmation) the Encrease of the Salary of the Under Sheriff of that District to 50 Rds. per mensem. Although I regret any the smallest addition to the Public Expenditure, I feel it incumbent upon me to recommend the adoption of this augmentation to your Lordship, as the regulation of the whole Police of the District mainly depends upon the efficiency and trustworthiness of the Under Sheriff, and very serious Mischief might arise from having an incompetent Person in that Situation.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

LANDDROST'S OFFICE, STELLENBOSCH,
10*th July* 1824.

SIR,—I have the honor to inform you that D. Kinnenbergh the Undersheriff of this District has represented to me the impossibility of his performing the Duties of his Office upon his present Salary of Rds. 30 per mensem.

I feel myself called upon to state that his various and laborious duties have of late very much encreased, that he has the extra duty of superintending the Watchmen of the Town, which no other Undersheriff is called upon to perform, and that he is a most able, trustworthy and deserving public officer. I have no hesitation in saying that should he throw up his Situation, it will be impossible for me to procure a person at all competent to fulfil the duties of it, under 50 Rixds. per mensem. I therefore venture humbly to recommend to His Excellency the Governor that the Undersheriff's Salary be encreased to 50 Rixds. per mensem. The Emoluments of the Undersheriff of the Cape District exceed those of the Undersheriff of this District 34 Rixds. per Month. I have &c.

(Signed) D. J. VAN RYNEVELD, Landdrost.

[Copy.]

Letter from LIEUTENANT COLONEL BIRD *to the* COMMISSIONERS OF ENQUIRY.

LIESBEEK COTTAGE, 26*th August* 1824.

GENTLEMEN,—I have the honor to state in reply to your Letter of yesterday, transmitting to me an enclosed extract from Lord C. Somerset's Letter to you of the 17th Instant on the Subjects of the Grants made to me by Sir R. Donkin, that I never before heard that Mr. Denyssen had made any offer for the Hout Bay Land, as Sir Rufane made no other communication than the One I gave you Copy of. I know from Mr. Denyssen himself, that he had applied for this Land, Sir Rufane being then on the Frontier, but I was not aware that

he had offered Currency to the Amount of £43 for it and a Rent amounting to about £13. If I had been required to pay such a Sum and such a Rent, I should unquestionably have declined taking the Grant, it not being worth so much to me. Mr. Dényssen I believe never saw the Land, or it must be some peculiar Sagacity which caused him to attach the idea of extraordinary Salubrity to this undrained Marsh. I should not have thought its value enhanced from that circumstance. Be that as it may, the Rent said to have been offered is far beyond the most extravagant rate of Quit Rent charged even under peculiar Circumstances. It may be easily ascertained that in those Cases wherein high Rents have been originally fixed it has been found expedient to reduce them, as the Parties have not been able to pay the Amounts. The Lands taken by Auction between Rondebosch and Roode Bloom will elucidate this, and were it requisite I could adduce many instances exactly to the point. I do not think any person having knowledge of Land would offer an equal Amount of Rent for 86 Acres of undrained Marsh as is fixed for the very extensive and best Corn Farm in the heart of the Cape District, I mean the Bonteberg, which Lord Charles Somerset granted to Mr. Proctor at a Rent of Rds. 200 per Annum only. I was not aware that Mr. Denyssen proposed to place an establishment at Hout Bay. When Mr. Denyssen was unsuccessful in his application for land there, he petitioned for another Spot, and I believe obtained it. He formed no Establishment there, altho' it was nearer to Cape Town than Hout Bay and equally Salubrious, and I have heard that he lost no time in selling the Grant.

It is true that my embarrassments compelled me to borrow between 6 and £700 from the Bank and that I pledged the grants made to me to that establishment, but I gave also unexceptionable collateral Security fully sufficient to cover the risk of the Bank in the advance made to me. I made however no representation whatever to the Bank, as to the value of the Grants. I have &c.

(Signed) C. Bird.

[Copy.]

Letter from the Acting Colonial Secretary to the Chief Justice.

COLONIAL OFFICE, 26 *August* 1824.

SIR,—With reference to your Letter of the 9th ultimo, on the subject of Mr. C. F. Liesching's application for permission to practise as an Apothecary, Chemist and Druggist in this Colony, I am now directed by His Excellency the Governor to request that you will be so good as to state to His Excellency explicitly what in your opinion you conceive is meant by the words "*of such Certificate as is usually required for these arts*" alluded to in the 2nd Art. of the Proclamation of the 26th September 1823, some doubt having arisen on this point.

I have &c.

(Signed) P. G. BRINK.

[Copy.]

Letter from the Assistant Secretary to Government to the Landdrost of Swellendam.

COLONIAL OFFICE, 26*th August* 1824.

SIR,—I am directed by His Excellency the Governor to transmit to you herewith a copy of a Memorial from H. H. Fouché representing his indigent circumstances and praying remission of the Arrears of Taxes due by him, and to acquaint you that His Excellency is most anxious to relieve the Memorialist from his distress and desires that you will ascertain what Stock and furniture are necessary for him, and purchase the same, to defray which His Excellency will authorize an Advance to be made to the District from the Fund drawn from England for the relief of the distressed Inhabitants of this Colony. His Excellency will be glad to have an early report hereon. I have &c.

(Signed) P. G. BRINK.

[Copy.]

Letter from MR. CHARLES D'ESCURY *to the* COMMISSIONERS OF ENQUIRY.

INSPECTOR OF LANDS AND WOODS OFFICE,
26th August 1824.

GENTLEMEN,—I have endeavoured to trace whence could have arisen the mistake I stated in my examination of yesterday to have been made in rating the produce of the grazing Land of the Grant intended to have been made to Mr. Van Hogendorp at 25 per Cent. Permit me to correct my examination on the Subject of the difference between my Report and the Memorandum given by me to Lieutenant Colonel Bird where it relates to the amount of the Rent.

I have elsewhere shewn that the operations of my Office assumed different forms, as the development of the measure of 1813 for altering and improving the Land Tenure in this Colony, to which this Office was principally intended to give effect, proceeded, of which the fixing of adequate Rents proportioned to the nature of the Grants was not the least prominent or difficult to adjust, this therefore underwent various modifications and principally as follows :

In the first Instance I followed the practice of the Local Magistrates, who rated the entire extent by the morgen, this however I discovered to be an unfair way of Calculating, because of the very great extent of the Grants, and the proportion of *useless* Land such extensive Grants generally contain. I therefore abandoned that mode of calculating and substituted for it, the making the *Capability of the Land*, both Arable and Grazing, the basis of Calculation, which in both instances is to be ascertained from the Report of the Inspection.

I then calculated the amount of the arable produce, deducted from it a liberal allowance for expenses, and on the *clear profit* I rated 10 per cent for Rent, with respect to the grazing, the pastures here not requiring any Labour such as Hay Making Manuring, &c. I applied to this the mode of calculating by Rents as is frequently done in England when a mere rough Estimate is made, taking that the produce should equal *four Rents*, viz. one for the Landlord, One for the Expenses, One

for the Tenant's living, and one to lay by, and thus I rated 25 per cent on the value of the grazing as a fourth, or the Rent to be paid. To this however new objections were started, so unaccustomed were the Occupiers of the Land to any restrictions whatsoever either as to extent or Rent, that they were equally Clamorous on both, and the Local Magistrates uniformly supported them, while the Government, wearied by incessant applications, shewed every disposition to yield. I therefore again abandoned the 25 per Cent, and applied the 10 per Cent equally on the Grazing as on the arable Land, but then even no one was satisfied, and many found themselves aggrieved, for this plain reason, that most generally from the too great extent of the Grants, the Capability of the Land much exceeds the means of the Individuals who obtain it. Without a vast deal of Trouble, and consequent loss of Time, in tracing back all my Reports of that period, and comparing them with the dates of those of the Inspections, I cannot say when this applying of the 10 Per Cent was *generally adopted*, I find some instances of it in 1817, while in 1818 I find still some instances also of the 25 Per Cent, which probably was occasioned by the dates of the Reports so as to equalize the periods of these calculations in the Several Districts. I can therefore as relates to the present case, not *positively* say whether I was right in calling it a *mistake*.

But whereas Mr. Hogendorp never accepted the Grant and consequently no claim can be made upon him for arrears of Rent, which otherwise as by reference to the Land Revenue Office would amount to Rds. 550, and that had the Estimate been made at the time when it was finally granted to Lieutenant Colonel Bird in 1821, the Calculation at 10 per cent being then long since established, it would have been so calculated for him, for he obtained it not by *Transfer*, but as a new grant, and would therefore have been entitled to the benefit of the difference; it follows that in fact no loss has accrued to the Public from the difference of the two calculations in this instance, moreover there can be no doubt that had Mr. Van Hogendorp accepted it, this grant having been made in pursuance of the intentions of the former [illegible] Government, which were to [illegible] Land in Lieu and compensation for [illegible] nother part of the Colony, he

would certainly have applied either for a mere nominal Rent, or at least for a considerable reduction, which among the numerous instances of other Reductions of Rents it is not likely would have been refused him, the more as in order to make that Land valuable a very large Capital must necessarily have been laid out upon it, as will be seen by the Estimate hereunto annexed, and it would have been beneficial to the public to have granted it in freehold, on condition of such a Capital having been laid out upon it, which Circumstances combined makes it therefore in point of fact a matter of indifference what really that first calculation was, either a Mistake or otherwise. I have &c.

(Signed) CHS. D'ESCURY.

[Copy.]

Letter from the Landdrost of Graaff Reinet to the Commissioners of Enquiry.

GRAAFF REINET, 26 *August* 1824.

GENTLEMEN,—Having had the honor to receive your Letter addressed to the Landdrost and Heemraaden of this District on the 12th Instant, on the subject of the Sum of Seven thousand Rixdollars, advanced to the Inhabitants of this District out of certain Funds drawn from the British Government, and having thereby perceived that you are under an impression that said Sum was issued to the above Board "for the relief of the Inhabitants of this District, who were the greatest sufferers by the storm," I think it my duty to acquaint you that such was not the case: that the Board cannot be acquainted with the transaction, and that the circumstances under which the said issue was made are the following, viz: By a Confidential (but Official) letter from the Colonial Office, dated 30th January 1823, I was informed that His Excellency the Governor had received His Majesty's permission to draw on the British Treasury for a limited sum towards the relief of those who had suffered losses "*in the late calamitous season*," and I was directed to give my opinion "*whether the Proprietors of this*

District would be benefited by having any proportion of this Loan allotted to their exigencies." The Rust and Drought were the "Calamities" we had suffered by, for the "Storm" had not reached this District (tho' I found the word "Storm" used in the subsequent part of the correspondence) and I considered it imprudent to make too great an advance, as my replies of the 27th February and 3rd April, of which you will find Copies enclosed, more fully explain.

The issue of the Seven thousand Rixdollars required by the latter communication was sanctioned by the Colonial Government, but could not be procured before the 4th August following; one of the Applicants (A. K. Greyling) had procured the two thousand Rixdollars required by him thro' other means, and declined *then* taking that granted by Government, upon which Captain Cæsar Andrews of the Half Pay, who had lost his crops by the Rust for two successive seasons, applied for said two thousand Rixdollars, which question being referred to His Excellency the Governor, was acceded to. Consequently Lieut. Devenish and Captain Andrews were the only persons to whom said Sum of Seven thousand Rixdollars was advanced, not as "the greatest Sufferers by the Storm" or by the distribution of Landdrost and Heemraaden, but as the only two amongst those to whom, *as sufferers by the calamitous Season*, it was deemed safe to hold out the offer, who availed themselves thereof, and by the allotment of the Government itself.

The extent of the losses sustained by the two above mentioned borrowers was stated by them to have consisted in the repeated failure of their Crops by the Rust. Mr. Devenish, for the repayment of the five thousand Rds. granted to him by Government has passed a mortgage on his quitrent Land as specified in one of the Inclosures; and Captain Andrews, failing in his farming speculations, and having sold his Land, has given very ample personal security; both being bound to pay from the day they received the money, Interest at Six per Cent per Annum, and after the two first years, annually a tenth of the capital with Interest as above, in order that the whole Capital be repaid with interest in twelve years; these being the terms prescribed by Government in the above Confidential Letter. Thus one year's interest is now due by Mr. Devenish

on the Five Thousand Rixdollars received by him, and on the two Thousand Rixdollars lent to Captain Andrews a year's Interest will be due on the 7th November next. I have &c.

(Signed) A. STOCKENSTROM.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 27*th August* 1824.

MY LORD,—I have received your Lordship's separate Dispatch of the 5th of June, accompanied by a letter from Colonel Bird, late Colonial Secretary at the Cape of Good Hope, submitting his case for the consideration of His Majesty's Government with a view to His obtaining a competent provision for the support of himself and a numerous family, on his ceasing to belong to the Civil Service of that Colony. I have, in reply, to request that your Lordship would be pleased to cause Colonel Bird to be informed that six months pay will be allowed to him to defray the expences of his return to England, and that I purpose to submit to His Majesty that from the date at which he ceased to execute the duties of Colonial Secretary, a Pension should be issued to him, out of the Colonial Revenues, at the rate of Eight Hundred Pounds per annum for his Life or Six Hundred Pounds a year for his Life with a Pension of Three Hundred Pounds a year for that of his Wife, in case of her surviving him, should he be disposed to prefer the latter arrangement; and your Lordship will be instructed to take the necessary measures for carrying these gracious intentions of His Majesty into effect. I have &c.

(Signed) BATHURST.

[Copy.]

Evidence given to the COMMISSIONERS OF ENQUIRY *by* MR. J. W. STOLL.

CAPE TOWN, 27*th August* 1824.

How long have you been Landdrost of the Cape District ?

Reply. Upwards of ten years.

Have you in the course of that time had occasion to observe the effects that may have attended the introduction of European mechanics and Labourers in the Colony ?

Reply. I have had occasion to know that they have been very useful to this Community, and as a Magistrate I never had so many Complaints of them as of any other of the Mechanics and Labouring Classes.

How long is it since European Laborers and Mechanics were first introduced ?

Reply. Baron Hogendorp about the year 1804 sent out a number of Mechanics and Labourers from Holland, and those people (some of whom are dispersed in the Country Districts and others settled in Cape Town) are all doing remarkably well. Those who were not Mechanics have employed themselves in various retail trades.

What success may have attended the first English Emigrants?

Reply. Those who were brought out by Mr. Moodie about six years ago were amongst the first who came; generally speaking they are doing extremely well, and have certainly been of great use to the Colony. They consisted chiefly of Mechanics and Agriculturists, and several are settled in Cape Town.

Have many of the British Settlers who emigrated in 1820 found employment in the Cape District ?

Reply. Not many of them in the District, they are chiefly settled in the Town as Mechanics and Labourers, and I believe are doing well.

Have the Irish Settlers who came out with Mr. Ingram in the present year readily found employment ?

Reply. I believe they have.

Are many of them settled in your District ?

Reply. They are chiefly employed in Cape Town, both as

Mechanics and Labourers. Many are employed in the erection of public Buildings in the Worcester District and in making the road over the French Hoek in the Stellenbosch District.

Are the prices of Labour in Cape Town such as to indicate a further demand for this description of persons ?

Reply. Certainly, a common Labourer of any description cannot be hired under One Rix Dollar a day, and generally one Rix Dollar and a half, and a Mechanic from 2½ to 3 Rix Dollars a day, including subsistence, but sometimes these rates are given besides subsistence.

Have the prices of labor been sensibly reduced by the introduction of these people ?

Reply. Not at all, and with reference to a remote date the prices of Labour in Cape Town are rather higher than lower.

Do you conceive that the wages you have mentioned are more than sufficient to provide comfortably for the Laborer and his family ?

Reply. I conceive they are. In the case of large families where the children are not old enough to be employed, these wages are not more than sufficient.

Do Children readily obtain employment, and at what age ?

Reply. Children of Eight years of Age are readily employed for their Services in families, receive food and clothing. Children of 10 years may also obtain wages of 4 or 5 Rds. a month, and more as they grow older.

Do you conceive that a demand for Labourers of this description exists in the Country, as well as in Cape Town ?

Reply. I think that the demand for Labour in the Country is even greater than in Cape Town, for I know some wealthy Farmers who have fewer Ploughs upon their Lands than they formerly had, solely in consequence of their inability to procure Labourers, and I also know that considerable Tracts of good Land in this District remain uncultivated from the want of hands.

To what do you attribute that the Farmers cannot command at present so much labor as they formerly could ?

Reply. To the loss of their Slaves. I remember one instance of a Landed proprietor in this District who had employed Eight Ploughs, but who afterwards was unable to employ more than six, and he explained to me that three of his Slaves had died

in Two Years, and that he could not afford to replace them nor was he able to obtain Laborers for hire.

Do the Corn Farmers in general cultivate their Lands with Slaves, and have they no other assistance at Seed time and Harvest ?

Reply. They cultivate their Lands solely with their own Slaves and a few Hottentots that they hire, and in Harvest time they are assisted by Slaves that they hire from the Inhabitants of Cape Town and from the Wine Farmers of the neighbourhood.

At what rate are they enabled to hire these Slaves ?

Reply. The usual remuneration is half a Bushel of Wheat or a Bushel of Barley a day, which may be equivalent to something about a Rixdollar a day, exclusive of Subsistence.

Could not the Corn Farmers obtain these Slaves for hire at other Seasons ?

Reply. They might do so, but it would not answer their purpose. Those Slaves can render assistance in getting in the Harvest, but are not fit to be employed as Ploughmen.

Have not the Wine Farmers constant Employment for their Slaves ?

Reply. They have, but they spare them to the Corn farmers during the short interval when their Waggons are employed in sending their wine to Market.

Are you aware of any applications by the Farmers of your District to obtain European Labourers ?

Reply. Mr. Dreyer once mentioned to me that he had it in contemplation to write to England for Twenty Labourers. Mr. Dreyer has a Wine Farm and a Corn Farm. I have heard others express how glad they would be to obtain assistance of this sort upon their Farms. I have heard Mr. Sebastian van Reenen say so.

What has been the result of your observation of the conduct of the people brought out by Mr. Ingram ?

Reply. I have not heard any Complaints against them. They have generally appeared to me to have conducted themselves quietly. Some of them that have been employed by me have behaved very well.

(Signed) J. W. Stoll.

[Copy.]

Extracts from Mr. Hayward's Journal relative to the case of Shaw and Fournier.

ALBANY, *24th July* 1824.

In consequence of the differences which occurred in this Party, consisting of five independent Individuals with Servants, they agreed to dissolve their connection and each to take his share of the Location.

In executing and acting upon this Agreement, Mr. Morton paced the Location and made a sub-division into five Lots. These Lots were accepted by all the individuals of the Party, and each located himself upon his own.

A dispute arose between Mr. Morton and Mr. Fournier, whose Lots joined each other; Morton wishing to occupy an eligible plot of ground in what Fournier asserted to be his Allotment; this led to great disputes, and is now the subject of investigation.

Mr. Shaw purchased Morton's Lot in April 1822, and the disputes continued.

The Journal details the evidence taken upon the spot, when after a most ample inquiry into the whole merits of the case, Mr. Hayward decided the point in Mr. Fournier's favor and that the Land is in his Sub-division, not in Mr. Morton's.

Albany, 27 August 1824.

Mr. Hayward proceeded again to the Location in company with the District Surveyor, and then measured the Sub-divisions of the Location according to the understanding of the Party, and as found on previous investigation, and now again according to the wish of the present claimants, shewing them a copy of the diagram.

It resulted most evidently that the Plot of Land required by Mr. Shaw was found to be in the very heart of Mr. Fournier's allotment.

The Party then signed a Certificate declaring themselves perfectly satisfied with the admeasurements of their respective allotments.

Extracted from my Journal.

(Signed) WM. HAYWARD.

[Copy.]

Evidence given to the COMMISSIONERS OF ENQUIRY *by* MR. BENJAMIN MOODIE.

CAPE TOWN, *28th August* 1824.

How long have you resided in the Cape Colony ?

Reply. Since June 1817.

Did you not conduct a Party of British Settlers to the Colony about that time ?

Reply. I did, I brought about Two Hundred British Settlers, about three fourths of whom were mechanics and the remainder were Labourers.

Where did you engage those persons, and what were the Terms on which they came out with you ?

Reply. I engaged them chiefly in the South of Scotland, and they entered into an engagement with me to pay in advance £30 each for their passage to the Colony or to make up afterwards from the produce of their Labour in the Colony a sum equal to double the charge, in consideration of which I engaged to defray the expences of their Transport to the Colony and to obtain them Employment. The nature of this engagement exposed me to all the risks incident to such an undertaking.

Had you any previous experience of the Colony ?

Reply. I had no other information respecting it than I could collect from various accounts that I received of the means of employing Labourers.

Was the expence of Transport more considerable at that time than it is at present ?

Reply. The Sum I paid for the passage of those people from London to the Cape was about £15 a head, and Twenty pounds may be stated as the whole charge from Leith. It might have been done for a smaller Sum, but the allowance of provisions was a liberal one.

Did these people readily obtain Employment on their arrival at the Cape ?

Reply. Altho' a Battalion of the 60th Regiment amounting as I understood to 900 men had been discharged in the Colony but a short time before my arrival, I experienced no difficulty in obtaining Employment for the whole of them from any

want of demand for their labour, but some difficulties arose from the defective provisions of the Law at that time for the due support of such contracts of Service, and which led to combinations on the part of the Servants, with the view of forcing me to release them by behaving ill to their Employers and returning upon my hands, and by disorderly conduct. Notwithstanding these occurrences they readily found Employment when they were disposed to undertake it.

Were any Measures adopted by the Local Authorities to remedy the inconveniences of which you complained ?

Reply. About Twelve months after my arrival a proclamation was issued by the Governor (26th June 1818), the provisions of which were well calculated to meet the Difficulties I was exposed to, but I have always experienced great difficulty ni obtaining their enforcement against the Servants themselves, and those who had an Interest in employing them.

What were the description of Persons of which your Party was principally composed ?

Reply. They consisted chiefly of Blacksmiths, Masons, Carpenters, Coopers, and in general there were a few of other Trades. They were, with Two or Three exceptions, young men and without families. I selected them of this description from not feeling myself justified, as it was an experiment and as I had no personal experience of the Colony, to expose Families of women and children to the hazards of the undertaking.

Had you reason to think that it would have been more advantageous to have brought out men with families ?

Reply. I should have been less exposed to the ill effects from their misconduct and the risk of their desertion, but in the unsettled state of the Law at that time respecting their Contracts, I should have incurred a greater degree of responsibility and heavier Expences. Many that I brought out have since formed Connections in the Colony, and nearly all who have done so are improving their Condition and accumulating Property.

Are many of them settled in the Country Districts ?

Reply. About half the number of them are in the Country.

Have you had occasion to observe that the price of labour has much fluctuated since your arrival in the Colony ?

Reply. I do not think that it has. 25 Rixdollars a month for a common Labourer and 40 Rixdollars a month for an ordinary Mechanic, together with Lodging and Subsistence may be said to be the average rates of hire during the period that I have resided in the Colony.

Is there much demand for labour in the Country districts, and can Europeans readily obtain Service?

Reply. The demand is considerable, and the Farmers are eager to Employ persons of any description, but in the present distressed State of the Agricultural Community they find a difficulty in paying the wages in Currency that they would be willing to give. Those who are willing to receive payment in produce can readily obtain service.

Do you attribute to this Circumstance that the Europeans who have come out have been chiefly employed in and about Cape Town?

Reply. I do, as in Cape Town there is Capital to support the Labour. In the instances of Mechanics, the Europeans, being Superior to the Native Ones, they may in some instances have supplanted them and produced a partial dispersion of native Mechanics in the Country Districts, but I do not attribute much to this effect, as the arrival of Europeans has encreased the business in Cape Town by enabling the Inhabitants to provide themselves with many articles that they formerly imported or dispensed with altogether.

From your own Experience what do you conceive to be the objections that apply to the nature of the engagements that you made with the people you brought out?

Reply. The engagements that I made were the only ones by which Settlers could at that time have been brought out without any assistance from the Government, but I consider that the Obligation on the part of the Servant to pay a Sum of Money after his arrival in the Colony to release himself from an obligation of Servitude has operated injuriously from the disposition it has induced to break this engagement, and the means he has too frequently resorted to, to effect this object.

Do you conceive that from the present demand for labour in Cape Town, those who are disposed to employ Europeans are willing to defray the expences of bringing them out?

Reply. I conceive that if they could depend upon the

character of the persons brought out and could obtain Credit for the Expences until the Labourers could repay them by their Services, they would generally be willing to incur the responsibility, but from the laxity with which engagements with this description of Persons have been hitherto enforced, there has been generally a reluctance on the part of Employers to make advances, altho' the demand for labourers has induced many to incur the risk.

Have you had any opportunities of observing the condition of the people brought out by Mr. Ingram and their Success ?

Reply. I was in Cape Town when they arrived, and have seen many of them that have obtained employment. I believe that they are well paid and provided for, and the boys and girls have been found very useful as Servants and apprentices to various Trades, the few remaining with Mr. Ingram could readily obtain Employment if he did not require them.

Have you observed whether the first Settlers in particular adopt readily the different modes of Labour pursued in the Colony ?

Reply. From my own experience I consider that the Scotch Settlers conform themselves to the habits of the Country more readily than any others, and that next to them may be classed the Irish Settlers. The English adhere more strongly to their early habits, and adopt those of the Country with much reluctance.

What do you consider the severest work that Labourers perform, and have you had any opportunity of contrasting the European and Native Labourers in the fulfilment of it ?

Reply. The severest work is that which occurs at Harvest time, when Exertions require to be made to reap the Crops and the Sun is more powerful than at any other Season. I have observed the European and Native Laborers employed at this work, and have attempted to form an estimate of their Comparative powers. The European has always appeared to me very superior to the native, both in strength and perseverance, particularly when his habits are temperate.

Have you observed any ill effects from such labour upon the European Constitution ?

Reply. I never have. Out of Two Hundred Settlers that I brought to the Colony, only Three had died in the first two

years, and two of these were from the Effect of Accidents and one from a Consumption under which he labored when he arrived.

Were many of them employed on the Labours of agriculture ?

Reply. About one fourth of them. Most of the Mechanics are in the habit of exposing themselves much to the effects of Climate, particularly those in the Country.

Have you observed the Conduct of the European Settlers in the Service of the Colonists ?

Reply. I have, and it has always appeared to me that the Europeans are treated with indulgence and consideration by the Colonists, and in the Country Districts are more on a footing of Equality than of subjection. On the part of the European there is too often a disposition to abuse the indulgence of their Employers, with whom however they are much in request.

Do the Europeans readily engage in Service where people of Color and Slaves are employed ?

Reply. The European except when employed as an Overseer prefers the Service of those who employ none but Europeans in the labor which they contract to perform. At the same time I have frequently seen them work together, and have so employed them. An European will refuse however to work under the direction of a man of color. It is generally considered better to employ them apart.

Do you consider that there are any impediments to the general introduction of European Labourers throughout the Colony ?

Reply. I consider that the inadequate wages that are paid by the Farmers to the Hottentots contracted in their service is unfavorable to those changes which would create throughout the Colony a general demand for active Labourers, and I think Europeans would in general be preferred. I consider also that the heavy Taxes upon Agriculture and the restrictions on Trade, especially the Trade in Corn, are impediments to the demand and consequent employment of agricultural Labourers.

From your own Experience what do you conceive to be the most favorable course for the Settler to pursue on his first arrival with a view to his success ?

Reply. I have generally observed that the instances are

very rare of the Success of Settlers who have entered at first in business on their own account. Those who have entered at first into Employment with experienced Colonists have afterwards established themselves with better effect.

Do you apply the observation to those who come out with the means of establishing themselves ?

Reply. The frequent losses sustained from inexperience by Settlers in the first two or three years induce me to think that the observation is even more applicable to those who come out with the means of establishing themselves, than those who must live by their Labor.

Do you conceive that capital may be advantageously invested in land at present in the Colony ?

Reply. If the burthens on the Agriculturist were relieved the investment of Capital would I conceive at this time be attended with every prospect of advantage to the Speculator. The difficulty of procuring labor has prevented the natural rise of Land which may be expected to obtain in proportion as this difficulty is removed and encouragements are held out to the agriculturist.

(Signed) BENJN. MOODIE.

[Copy.]

Evidence given to the COMMISSIONERS OF ENQUIRY *by* MR. WILLIAM REEVES.

CAPE TOWN, 28*th August* 1824.

You came to the Colony with Mr. Ingram last year ?

Reply. I did.

What is your trade ?

Reply. I am a shoemaker by trade.

Where did you conclude your agreement with Mr. Ingram and what were the terms of it ?

Reply. I entered into Indenture with Mr. Ingram at Cork for myself and my family consisting of three daughters and one son. I signed separate indentures for each of them, and the terms were that we should serve Mr. Ingram for three years, or to redeem our engagement by paying him for myself

£30 sterling, for my son £30, for each of my two eldest daughters £20, and for my youngest daughter £15.

Were you aware that any part of the expenses of your passage to the Cape of Good Hope had been defrayed by Government ?

Reply. I never heard that this was the case. I saw all the publications that Mr. Ingram made at Cork, and no such intimation was contained in them.

What did you understand to be the object of this payment which you pledged yourself to make good to Mr. Ingram ?

Reply. To reimburse the expenses of my passage, and as a compromise for my services for three years which I had pledged to him upon an engagement on his part to furnish us with pay and subsistence, all of which is stated in the Indenture.

What was your condition and treatment during the passage ?

Reply. I was at the head of one of the messes, and I can assert that Mr. Ingram fulfilled the terms which I saw posted in his Office at the time I signed the Indentures. The provisions were excellent, with the exception of the Biscuit, which was not very good, but I did not complain of it as I was aware that it had been inspected and passed by Mr. Lewis the Government Agent at Cork.

Do you consider then that the complaints that have been made of the badness of the provisions were ill founded ?

Reply. Except with respect to the Bread, I consider such complaints to have been groundless.

Were there complaints of any other description on board ?

Reply. None that were of any consequence.

You were allowed a certain time after your arrival to seek Employment ?

Reply. We were allowed by the terms of our Indentures a month after our arrival.

Did you get Employment in that time ?

Reply. I did for myself and for each of my children.

What were the terms of the Engagements you made ?

Reply. I did not make an Engagement for myself or my son, except to Mr. Ingram to pay him Monthly Instalments on account of the Sum we were engaged to make up to him. I hired a Lodging and set up in my trade assisted by my Son. My eldest daughter, aged 21 years, has engaged in Service with

Mrs. Van Reenen for three years, and is employed as a Dressmaker. Mrs. Van Reenen paid Mr. Ingram the full amount of 200 Rixdollars, and has agreed to board, lodge and clothe her and to afford her besides a small monthly allowance. The second Daughter has made an Engagement with Mr. Forbes, a Ladies' Shoemaker, who pays her 14 Rds. per month, with Subsistence. The Wages are paid to Mr. Ingram on account of the Sum of Rds. 200 (£20) she is bound to pay him. My youngest Daughter is with Mrs. Rautermeyer, who pays for her Clothing, board and schooling.

What has been the average of the Earnings of your own and your Son's Labour since your arrival ?

Reply. It has not been considerable in consequence of my health not allowing me to work many hours in the Day, and my Son being imperfectly instructed in the Trade, but I think we gain on an average 30 Rix Dollars a month. I look forward in a short time to earn about 60 Rix Dollars per month.

What are the wages that Journeymen Shoemakers can obtain in Cape Town ?

Reply. Some of those that came out at the same time that I did are in constant employ, and earn about 2 and 2½ Rds. per day, they are better workmen than I am.

Is there any increasing demand for labor of that description ?

Reply. I believe that every shoemaker in the Town is at present furnished with journeymen, but I find no difficulty in obtaining work for myself. We are sometimes at a stand for a week or two from the want of Leather, as that which is prepared at Algoa Bay is preferred, and the Importations are sometimes precarious.

Do you know the reason that the Leather prepared at Cape Town is not so good ?

Reply. I am not aware of the cause of it, but that which comes from Algoa Bay is fully equal to English Leather, and wears even better.

Do you conceive that there is greater encouragement to other Trades than to yours ?

Reply. I conceive that there is. Many afford higher profits, coopers, tailors, carpenters, bricklayers, and blacksmiths are all well off, and there is in particular a full demand for Labourers and Mechanics in the building line.

What portion of the Sums due by you and your son have been paid to Mr. Ingram ?

Reply. About 70 Rix Dollars paid and about 530 Rix Dollars remain to be paid by us. We pay him 10 or 20 Rix Dollars at a time, as we can afford it. Mr. Ingram has never pressed me for the money.

Are you able to subsist yourself comfortably upon your earnings ?

Reply. We are. The Rent of our Lodging is 8 Rds. a month, and provisions of all kinds are cheap. I cannot afford wine or spirits.

Do you pay any Taxes ?

Reply. None.

(Signed) WM. REEVES.

[Copy.]

Letter from the Court of Justice to the Commissioners of Enquiry.

COURT OF JUSTICE, CAPE OF GOOD HOPE,
30*th August* 1824.

GENTLEMEN,—We have the honor to acknowledge the receipt of your letter of the 23rd Instant in which you are pleased to request the opinion of the Members of the Court upon some points of Law that have arisen in the late prosecution carried on by His Majesty's Fiscal against William Edwards for writing and publishing a Libel against His Excellency the Governor.

Thoroughly convinced that by proposing the several queries contained in your letter, you cannot be actuated but by a desire to obtain such information of the state of the Law as the important object of your high relative situation to the Colony requires, we deem it a gratifying task to meet with your wishes in this respect, although from the inseparable connexion of the queries with the merits of the Case of said Wm. Edwards, we have found it impossible to circumscribe our answers within the limits of Law, but have been obliged to enter upon the exposition of those merits also, and even as

far as the compliance with your desire made it unavoidable, to lay open the motives of our proceedings and decision.

We have subjoined our answers to each query, and beg leave to offer them to your consideration in the following manner.

1st. Is an official Communication from the Colonial Secretary to His Majesty's Fiscal, referring to a personal and verbal Communication made by His Excellency the Governor to the Secretary, of such a nature as to supersede the necessity of substantiating and verifying the Contents of such communications by oral proof ?

The Colonial Secretary being the usual and regular Channel by which informations and directions from the Governor and Government are conveyed to the several Departments of administration, an official Communication from that Officer is considered in the several Courts of law as a Public document, the Signature of the Public Officer to which carries full credit of everything contained therein, without requiring any further proof. On this ground it is also the general practice in the Courts of Law at this place not to require substantiation by oral proof of any document issued and signed by a Public Officer, who on entering upon his Office has taken the Oath attached to it, if such writing contain matter connected with his Office. For instance, the Certificate of a Medical Man, appointed and sworn to serve on judicial inquests; such Certificate of the inspection of a dead Body, as to the state in which he found the same is considered as a proof in case of Murder, without any further requisite except a public and open reading of it in Court at the time of the prosecution. This is the Rule followed up, with the only exception of cases in which the authenticity of the signature or contents of the document itself is, or is made subject to doubt, when the Court in a Criminal Prosecution may, and in our opinion ought previously to ascertain the truth.

2nd. Can an Order of the Court of Justice for the personal arrest of an Individual be issued upon Communications simply of this nature and unsupported by any proof ?

The Official Communication of the Colonial Secretary to H. M. Fiscal in the case of Edwards could in itself only serve to make him acquainted with the desire of His Excellency the Governor " that the Fiscal should officially adopt legal

measures with respect to the Contents of two letters addressed to His Excellency by Mr. William Edwards, and transmitted by that official communication to His Majesty's Fiscal," but could in itself afford no ground of prosecution to the Fiscal if the contents of the two letters transmitted with it had not justified the commencement of such prosecution; and even then the Fiscal could not on the mere authority of the Governor have commenced a prosecution without having first obtained a decree of the Court of Justice to that effect. And for this purpose, H.M. Fiscal addressed the Court, requesting that the said Edwards might be criminally apprehended. On this address of the Fiscal, it was the duty of the Court, according to an express direction of the Law, to ascertain:

(*a*) Whether it be certain, or whether there are strong grounds for believing that the crime had been committed by the accused person, and (*b*) Whether the same would subject him to Corporal punishment.

The latter point, particularly under the aggravating circumstances of the case resulting from the aforesaid letters not being subject to any doubt, it only remained to decide whether H.M. Fiscal had submitted to the Court grounds strong enough to convey that degree of probability to the mind of the Court which the Law required to establish that Edwards was to be considered as the Author of the crime imputed to him by His Majesty's Fiscal. This the Court felt themselves justified to decide in the affirmative. Not on the mere communication of the Colonial Secretary, which would in no case justify the Court of Justice to issue a decree for Criminal prosecution against any individual, but the decree was founded on the libellous contents of the two letters signed by the name of Wm. Edwards annexed to that Official Communication, and in the conscientious belief of the Court that both those letters had actually been written by Wm. Edwards, and in all probability been sent by himself to His Excellency the Governor.

These letters were not letters of an unknown person whose name and writing came before the Court for the first time, or had seldom appeared therein, but of a Man whose name and writing were not unknown to the Court, and who had written and subscribed one of those letters as a Notary Public, in which capacity, agreeably to Law, his Notarial Documents are

fully entitled to belief, and may regularly not be disbelieved by any Court in the Colony.

On these Documents no sentence could have been given without previously hearing the accused party; but under the impression which they had made, to refuse to His Majesty's Fiscal a decree for prosecution, would have been contrary to what the Court at that time conceived to be their most sacred duty.

3rd. Is it competent to the Commissioners of the Court of Justice to enter upon judicial proof of a Signature which a person accused of writing it denies, by comparing it with the signature of a letter alleged but not proved to be of that Person's handwriting ?

Relative to the competency of Commissioners of the Court of Justice to enter upon such proof, we beg leave generally to remark, that comparison of hand is according to our Law a legal manner of proof, but considered as uncertain and not sufficiently conclusive unless supported by additional circumstances. But in particular, in the case of Edwards we are induced to think that Commissioners, when the Fiscal wanted to make use of this sort of proof by the production of unidentified letters, did not deem it meet to enter upon such proof, because in the first place if they had been inclined to make use of it, it would have been requisite to produce those letters to the accused party in order to make his defence thereon. And in the second place, because the comparison was no longer necessary in that stage of the proceedings in which the Fiscal produced the letters. At that time the accused person had already acknowledged his crime, and thereby rendered all comparison of hand superfluous.

If in the Case of Edwards it had been requisite to make use of comparison of hand, it should have been done by way of preliminary investigation, when it was to have been preceded by substantiating that the letter or other documents with which it was intended to compare the libellous writings had been written by Edwards and by no one else. This is the line prescribed by our Criminal Law to be followed in cases of comparison of hand.

4th. Are acknowledgements made by an accused party in the course of pleading and involuntary of the same validity as

those that are made deliberately, and can a person be convicted of a crime upon such involuntary acknowledgements ?

Involuntary acknowledgements in the course of a Criminal Trial may not be taken advantage of against the accused party. On the contrary if it appear to the Court that an acknowledgement has been made inadvertently, that is, without an apparent intention to do so, the accused would be brought to right, and not be allowed to become a sufferer in consequence of any involuntary act. This course is required on principles of common justice, since involuntary acknowledgements cannot convey to the mind of a Judge that sense of criminality which the conviction of an accused person requires. But referring to the case of Wm. Edwards, we would be wanting to our own feelings were we to admit a belief that Edwards suffered a single word to drop inadvertently in the course of his pleading. So far from it, that we do not entertain the slightest doubt but that Edwards voluntarily and deliberately confessed himself in his plea upon the exception, guilty of being the Author of both the libellous letters laid to his Charge and sent to His Excellency the Governor. This confession was made after the Act of Accusation had been read to him, and then he admitted the whole, not in general or equivocal terms, but by making in the most distinct manner every charge contained therein his own, and striving to justify his conduct in having expressed the libellous matter which is to be found in those Letters. His having afterwards pleaded not guilty, could by no means efface the effect of this confession, but on the contrary made it operate as a regular conviction; and as the Court felt thoroughly convinced that that confession had been freely and voluntarily made in open Court, there could exist no hesitation, neither in point of form, nor with reference to the crime itself, to admit such confession in evidence against the accused party, who moreover in his subsequent pleadings left every former admission unretracted upon record, and even on the last day of his trial before Commissioners of the Court, did not scruple publicly to declare that he was very far from denying the Contents of the two letters in question.

In thus submitting our replies to your liberal consideration, we beg leave only to add, that should these replies be deemed prolix beyond necessity, we hope you will do us the justice to

allow, that having on the occasion of the trial of Mr. Edwards, had to perform a most arduous duty, with a critical eye of the Public fixed upon the Court, at a moment of Public ferment when the Law was considered the principal if not the sole check for the preservation of tranquillity in the Colony, and when that very Law was set at defiance by Wm. Edwards, that under such circumstances we ought to avail ourselves of every suitable opportunity to lay open our conduct with that confident candour and feeling which the dignity of an immaculate administration of justice under the British Government, and under the eyes of His Majesty's High Representatives, so eminently inspires. We have &c.

(Signed) J. A. TRUTER.

By order of the Court.

(Signed) D. F. BERRANGE, Secretary.

[Copy.]

Blood Horses imported by Individuals during the last ten years from March 1814 to August 1824.

Total number 36.

(Signed) CHARLES BLAIR, Collector of Customs.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 1*st September* 1824.

MY LORD,—The late Commissary of Vendues having for his convenience appropriated apartments in his own House as the Office of that Department, it became necessary at the Death of that Officer to provide an Office for that branch of the Service, and the only apartments within the building of the public Offices, which could be appropriated to that purpose, were those hitherto set apart for the Vaccine Office, and for

that of the Colonial Medical Inspector. Under these circumstances I have to solicit Your Lordship's sanction to an allowance of Twenty-five Rixdollars per mensem for the Hire of an Office for those Duties. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

[*Letter from* LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 1*st September* 1824.

MY LORD,—The absolute necessity of giving every Efficiency to the Establishment of a port at the Kowie mouth, has compelled me to place a Harbour Master there at a Salary of One Thousand five Hundred Rixdollars per annum (something more than One Hundred Pounds Sterling). In the earliest period of this Establishment the Duties of Harbour Master were performed for Six Hundred Rixdollars per annum; but as the remuneration was so inadequate, the Individual to whom they were entrusted claimed the right and urged the necessity of "doing something for himself in the way of trade." A very short experience proved such a system pernicious and inadmissible, and also the necessity of employing a person of a higher class in life. Under these circumstances I have selected Mr. John Johnson, an Officer of the Royal Navy, and an excellent Seaman, and who has passed as a Lieutenant upwards of Seven years, and have to solicit Your Lordship's sanction to the measure and your notification of the same to the Colonial Audit Office.

I have also been under the necessity of selecting from the Crew at that Station Three efficient men as Cockswains to the two deck Boats and the life Boat, with an encrease of five Rixdollars per mensem to the Wages of each of them. Your Lordship will readily perceive that a measure of this nature could not be postponed so as to receive Your Lordship's previous sanction, I should otherwise have gladly relieved myself from the responsibility of taking it upon myself.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Evidence given by OLOF MARTINUS BERGH, ESQRE., *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *2nd September* 1824.

You were Deputy Landdrost of Clanwilliam when the British Emigrant Settlers came out to this Colony in 1820 ?

Reply. I was.

What was the first intimation you received of the intention of the Colonial Government to establish a part of them at Clanwilliam ?

Reply. I received a letter from Colonel Bird the Colonial Secretary by the hands of Mr. Tulleken, the Land Surveyor, by which I was informed of the intention of the Colonial Government to locate a number of Settlers at Clanwilliam, and that a competent person would be sent up to inspect the Lands. Some days afterwards Mr. Buissinne arrived for this purpose.

Did you attend Mr. Buissinne in his inspection of the Lands ?

Reply. I pointed out the Lands to Mr. Buissinne and attended him in his inspection of a part of them ; Mr. Buissinne did not inspect the whole of them.

What was the opinion you entertained as to the fitness of those Lands for the location of the Settlers ?

Reply. My opinion was that those Lands were unfit for them, being aware that there was not arable land enough for more than one of the parties of Settlers that were afterwards sent up.

Did you express this opinion to Mr. Buissinne ?

Reply. I did, but he appeared to differ in opinion with me.

Which was the Land that you considered fit for the location of one party of Settlers ?

Reply. The Partridge Valley, which was assigned to Mr. Ingram. The Land that Mr. Ingram purchased from Captain Butler had very little arable land, but the additional grazing Ground enabled Mr. Ingram to subsist his Party.

What was the extent of the Land fit for cultivation upon Mr. Ingram's location ?

Reply. About 60 or 80 acres.

What was the nature of the Land assigned to Mr. Parker's party in the Kleine Valley ?

Reply. There were some small Patches of cultivable Land, amounting to about 40 acres ; the rest could not be irrigated, and could only be used as pasturage, the rains in that part of the Country being insufficient to admit of the Lands being cultivated without the means of irrigation.

Before the arrival of the Settlers at Clanwilliam, did not Mr. Parker come there to inspect the Locations, and did not he deliver a letter to you from Colonel Bird ?

Reply. I remember Mr. Parker having come up and delivered to me a letter from Colonel Bird, in which I was instructed to point out the Land intended for the Settlers and the Boundaries of their several allotments, but not to give them any opinion as to the preference of one location to another, in order that disputes and jealousies might not arise. This Letter is in the Records at Clanwilliam.

Did you point out to Mr. Parker his Location, and did you express to him any opinion as to its capabilities ?

Reply. Being unwell when he arrived, I deputed my Son and the Land Surveyor to accompany Mr. Parker to inspect the Land. I left him to form his own opinion of it.

Did Colonel Bird express to you any dissatisfaction in consequence of Mr. Parker having represented that your opinion was unfavourable to the Lands assigned for the Settlers ?

Reply. On Mr. Parker's return to Cape Town Colonel Bird wrote me a very severe letter, charging me with having made the Settlers dissatisfied with these Lands by giving an unfavorable opinion of them to Mr. Parker. I replied to Colonel Bird that I had never expressed my opinion of them to Mr. Parker, but that Mr. Parker had informed me that the unfavorable opinion that he had conceived of the Locations was derived from the information he had received from Mr. Melk, Mr. Rousseau and Mr. Van Aarden, three considerable landholders in the Country ; in consequence of the annoyance Mr. Parker had thus drawn on me I discontinued to show him the Civilities he had before received from me.

Did Mr. Parker inhabit a Hottentot hut on his arrival ?

Reply. No. I gave him the accommodation of a small

cottage made of Stone and thatch that I built for my European overseer. Mr. Parker had brought no Tents, and was in consequence liable to the inconvenience experienced by other Settlers on their first coming.

Did Mr. Parker erect a House upon his Location, and cultivate any Land ?

Reply. The Location of Mr. Parker in the Kleine Valley was divided by Mr. Parker and Mr. Woodcock of his party between them, and after the division Mr. Parker commenced building the walls of a house upon the Land of Mr. Woodcock ; he also began to cultivate about four acres of Land, and was encroaching upon Mr. Woodcock's, this led to a dispute which was terminated by Mr. Parker withdrawing.

Did you give any directions for dispossessing Mr. Parker of the Land in dispute ?

Reply. I certainly endeavoured to settle the dispute amicably between them, but I did not otherwise interfere nor did I give any directions whatever, as I had been instructed by Colonel Bird to leave the subdivision of the Lands to the Heads of Parties.

Did you inform Mr. Parker that the Land Surveyor had committed an error in describing the Boundaries ?

Reply. I did not.

Did Mr. Parker remain on the location after the termination of the dispute with Mr. Woodcock ?

Reply. He went to Saldanha Bay, and gradually withdrew all his people ; the location when abandoned was in part made over to Mr. Holditch by Mr. Parker, and when he left it the Government directed that it should be assigned to the Revd. Mr. McCleland.

What is the nature of the land assigned to Captain Synnot in the Great Sea Cow Valley ?

Reply. It contains about twenty acres of good Land that can be irrigated, and the remainder is good pasturage.

What addition did Captain Synnot obtain to his location while you were Deputy Landdrost ?

Reply. Captain Synnot first obtained by direct application to Sir Rufane Donkin a piece of the Drostdy Land that I had prepared for cultivation ; and I received orders from Colonel Bird to make it over to him, and subsequently I received a

further instruction to assign to Captain Synnot a part of the Drostdy Land that was just in front of the Drostdy House. I stated my objections to the Governor, as it was land that I had under cultivation, and also as Captain Synnot's party was broken up he did not require such an addition. In consequence of this remonstrance the grant was not made. Part of this Land was however subsequently granted to Captain Synnot with part of the dwelling and garden of the Messenger.

Do you conceive that the additional Land granted to Captain Synnot was required for the convenience of the Drostdy ?

Reply. I think it was very necessary for the accommodation of the Drostdy.

Did you represent this to the Government ?

Reply. I did not, as I received a positive order to make it over to Captain Synnot.

Did not Captain Synnot apply for some part of the grazing ground attached to the Drostdy ?

Reply. He did ; but on the ground of my representation that it would expose the Inhabitants and the other Emigrant Settlers to inconvenience, as they were also allowed to use it, his request was not complied with.

If it had been granted, were there any other contiguous Lands that could have been attached to the Drostdy ?

Reply. There is a small tract of Land on the other Side, but it only affords pasturage during a part of the year.

Was the Land that was granted to Captain Synnot so situated with reference to the Drostdy that it could be allotted in Erven ?

Reply. I conceive that it could be so divided, and that it was originally Captain Synnot's intention so to apply it, as he mentioned that he would subsequently sell the same ground to Government for the purpose.

Is the climate at Clanwilliam favorable for European Settlers, and have the emigrant Settlers been healthy ?

Reply. From the extreme heat in the Summer I conceive that Europeans must suffer at that Season from working in the Sun. The Thermometer in the shade being often as high as 108° and 113°, and as there is less rain to refresh the atmosphere than at Graaff Reinet and in other parts of the Colony that depend upon Summer Showers, even the Mozambiques

and Hottentots are observed to suffer from working during the heat of the day; and I apprized the Heads of Parties that their people would require to perform their work in the mornings and evenings. Four of the emigrant Settlers died while I was at Clanwilliam, and several Children. I attributed the death of the former to the Climate.

Were there many of the Mechanical and Labouring Classes of European Settlers established at Clanwilliam when you came away?

Reply. There were two Mechanics settled there at the time I came away, but they afterwards left the place and engaged themselves with Captain Trappes at Worcester.

Are you aware in what part of the Colony the Clanwilliam Settlers have chiefly found employment?

Reply. The greater part of them are settled at Cape Town.

Had Mr. Ingram much Land under cultivation?

Reply. Mr. Ingram was the only Settler who cultivated to any extent, and he had raised Rice and wheat upon about 20 acres.

Is the climate that you attribute to Clanwilliam peculiar to that situation, or does it prevail throughout that District?

Reply. The Climate throughout the District is very hot in the Summer, but in no part of it so much so as in the neighbourhood of the Drostdy where the Settlers were located.

Did you describe the nature of the Climate to Mr. Buissinné?

Reply. I informed him that the Climate would be unfavourable for the European Settlers, and I also told him that there were other objections at that time, as the disease prevailing amongst the Sheep and Cattle in consequence of the drought made Meat scarce and dear and sometimes not procurable, and also as the Corn had failed in the preceding Season from the same cause; I referred Mr. Buissinné to the Opgaaf in support of these facts.

Did the Settlers on their arrival, and subsequently, experience any distress in consequence of this state of the Country?

Reply. They did experience very great distress; and on their arrival I sent two of the Field Cornets to obtain Sheep, and I addressed myself to those who were situated in parts of the Country where it was most probable that some might be had. I beg to deliver in the answers of the Field Cornets who

were unable to comply with my requisition. As there was no Commissariat Officer the subsistence of the Settlers devolved upon me, and I had no other resource than to give them the Seed Wheat that I had reserved in consequence of the scanty Crops of the preceding year, and had promised to distribute to the Farmers of the District. I further applied all my private Resources to the relief of the Settlers, as the certificate I give in will explain. I can also refer to Mr. Ingram's and other certificates, that I gave over to the Court of Circuit on occasion of a complaint preferred by Mr. McCleland.

(Signed) O. M. BERGH.

The above Queries and Answers have been interpreted and read over by me to the Witness in the Dutch Language.

(Signed) O. J. TRUTER.

[Copy.]

Letter from the LANDDROST OF SWELLENDAM *to the* ASSISTANT COLONIAL SECRETARY.

SWELLENDAM, *7th September* 1824.

SIR,—In compliance with your Letter of the 26 Ulto. whereby you transmitted to me copy of a Memorial from H. H. Fouché for my Report thereon, I avail myself of the earliest opportunity to forward a List of Articles composing such Stock and Furniture as Memorialist will require, together with an Estimate of the same, containing also an account of his Petty Debts amounting altogether to about Rds. 2,692 1 sk., which I beg you will submit for His Excellency the Governor's approval, and if sanctioned I request you to honor me with an early reply, in order to enable me to carry into effect His Excellency's desire, communicated in your said Letter, which will then also provide Memorialist with the means of discharging his arrears of Rent for a remission of which he petitioned.

I however feel it my Duty to state for the information of His Excellency and to the credit of some of the good Inhabitants

of this District that having minutely investigated into the circumstances of Memorialist, it has been fully proved by a deposition made in his presence by the Field Cornet in whose jurisdiction memorialist resides, that he in these his certainly indigent circumstances was not forsaken by his Friends and neighbours, for it appears that since the month of February last he had at his disposal at one time 8 Wethers and 2 Goats, and subsequently 4 Wethers, also One Muid of Rye and half a Muid of Barley besides five Muids of Barley of his own harvest, whereas Memorialist declared himself that he very frequently caught Pheasants and Turtle Doves, so that he and his Family did not live solely upon Land Turtles without Bread.

The Field Cornet having also added that Memorialist's want of Food cannot have been so very urgent, as he went to Cape Town about four Months ago with 18 Oxen, of which he might have Slaughtered One or More, had he been so distressed for provision.

With regard to Memorialist's Mother, it has been ascertained that she has deposited with each of her Six Children One Thousand Rix Dollars for which they are to pay her annually Ten dollars each for her Maintenance. It has likewise been fully proved that that part of Memorialist's Statement, respecting the Fine for his being in arrear with his Opgaaf Money and which did amount to Rds. 4, is erroneous, for not a Single Individual has as yet this year been called upon for Similar Fines, which by Order of Government are fixed at 5 and not 4 Rix Dollars; besides Memorialist has acknowledged himself that in making this Statement to the Person who drew up his Memorial he intended the Fee of the Field Cornet for Summoning him, declaring however that the Field Cornet, though entitled thereto, never demanded any Money from him, nor even the restitution of Rds. 17 which Memorialist has been indebted to him about Ten Years. I have &c.

(Signed) P. A. Schonnberg Junr.

[A list of cattle, farm implements, and furniture needed by Fouché is attached, but has not been copied by me.—G. M. T.]

[Copy.]

Letter from the ASSISTANT SECRETARY TO GOVERNMENT *to* MRS. JANE ERITH.

COLONIAL OFFICE, 10 *September* 1824.

MADAM,—I am directed by His Excellency the Governor to acknowledge the receipt of your Letter dated yesterday, representing your distressed situation. His Excellency cannot admit that you have any claim to relief from the Government, that which is now administered in the shape of compensation or restoration of Land lost or taken away by mistake or Intention, is now in the hands of Mr. Hayward, and His Excellency believes the question of Boundary between Dixon and Erith has never been fairly tried, and as he knows that Mr. Hayward has been furnished with documents in case it should come before him, you or your husband should attend in Albany and bring your case before Mr. Hayward. I have &c.

(Signed) P. G. BRINK.

[Copy.]

Certificate signed by certain British Settlers.

WILSON'S LOCATION, *September* 10*th* 1824.

We the undersigned do hereby certify and declare that we are perfectly satisfied with the admeasurement this day made of our respective subdivisions of Land by the District Land Surveyor Mr. Hope, in the presence of the Commissioner for Adjusting the Claims of the British Settlers in Albany.

(Signed)	JAMES WILMOT	W. CURRIE
	HENRY LLOYD	JAMES COLLIS
	JOHN SMITH	WM. BOARDMAN
	THOS. FRANCIS	X THOMAS WALKER'S Mark
	G. DONOVAN	THOMAS WALKER
	MORRIS SLOMAN	JOSEPH GOADLEY
	THOS. BROWN	THOS. FODEN

JANE DOLD	JAS. LANCE
JOHN READER	J. PAWLE
J. PRATT	FRANCIS SCOTT
J. CLARKE	BENJAMIN HALL X
JOS. GOADLEY	ALEX. BISSET

Obs. Mr. Pierce refused his Signature because Horne's Location was not laid adjoining to his own. Wheeler declined without assigning any reason, Earle and Kidson are absent.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 14*th September* 1824.

MY LORD,—On receiving Your Lordship's Despatch of the 20th March last, No. 91, I forwarded to the Orphan Board at this Place the letter and Enclosures in original, therewith enclosed, addressed to the Board by the Minister S. Scheler, of the Canton of St. Gall in Switzerland, and I. Jacob Bosch praying on behalf of the heirs of the late Missionary C. Albrecht that the property devolved to them out of the Estate of said Albrecht, now under the administration of the Orphan Board may be remitted to them, and having called upon the Orphan Board for the necessary explanation, I have now the honor to transmit to your Lordship a Copy of a letter with its Enclosure from the Secretary of that Institution, from which your Lordship will perceive that there is a Balance due to the surviving heirs in Europe out of the Estate in question, but the regulations under which the Directors act prevent them from remitting the amount except to some person on the spot empowered to receive the same. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

ORPHAN CHAMBER, *September 3rd* 1824.

SIR,—I am directed by the Board of Orphan Masters to acknowledge the receipt of your letter of the 2nd ultimo transmitting to them by order of His Excellency the Governor

a copy of a despatch which His Excellency has received from the Secretary of State for the Colonies with a letter and Enclosures in original addressed to the Orphan Board by the Minister S. Scheler, President of the Bible Society in the Canton of St Gall, Switzerland, and by Mr. I. Jacob Bosch, praying on behalf of the Heirs of the late Missionary Christian Albrecht, that the property devolved to them out of the Estate of said Albrecht now under the administration of the Orphan Board, may be remitted to them; and in reply I have it in command to enclose for the information of His Excellency an Extract of the general account of Liquidation of the Estate of the late Mr. Albrecht, by which it appears that a sum of Rds. 1262 41 sts. is due to the joint Heirs at Law of the deceased. The Board, being however not authorised by their instructions to effect themselves any remittances to foreign parts, I am further instructed to state, that the aforesaid amount, (subject to an additional trifling deduction) will forthwith be paid by the Orphan Board to any individual in the Colony, authorised to its receipt, either by power of Attorney from the parties concerned, or by an Order from the Colonial Government. I have &c.

(Signed) J. J. L. SMUTS.

To the Acting Colonial Secretary.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LORD CHARLES SOMERSET.

CAPE TOWN, 15*th September* 1824.

MY LORD,—We have the honor to inform Your Lordship, that by a Letter received from The Revd. Mr. Geary by the Post that has just arrived from Graham's Town, we have learnt that the Erf and Garden adjoining to that which was purchased by the Colonial Government for the Residence of the Chaplain of the Albany district is now on Sale.

Although your Lordship is, we believe, aware that the

Dwelling itself is a very respectable one, yet we are not certain that you are informed of the quantity of Land that is attached to it for Offices and Gardens, and of the annoyance to which it is exposed by the immediate vicinity of a building, that has been lately, and might in future, be used as a Canteen.

From the observation that we made of the Clergyman's allotment, the Garden ground that formed part of it did not correspond to the size of the front, nor did it afford the means of cultivating green provision for the use of Cows and Horses. We had some conversation with the Landbroker on this subject, and he agreed with us in the propriety of some addition being made to the Garden allotment of the Clergyman, whenever an opportunity should occur: at the same time that we venture to submit to your Lordship, that such an opportunity is now afforded by the Sale of the Clergyman's allotment, we think it our Duty to mention, that Buildings of some value have been erected upon it, that may add to the Expence of the Purchase. We conceive however that one of these buildings might be sold with advantage and without inconvenience to the Clerical Resident, but we take the liberty of recommending that in case of any arrangement being made for purchase, the Building that now immediately adjoins one of his offices should be included in any distribution of the Land that may be annexed to his present allotment.

Mr. Geary has proposed, that the new allotment should be added in the shape of Glebe to the Chaplaincy, but we are not certain that he is aware of the corresponding reduction that Lord Bathurst has directed to be made in the Salary of the Chaplain in cases of annexation of Glebe to his Residence.

We have &c.

(Signed) John Thos. Bigge,
William M. G. Colebrooke.

[Original.]

Letter from MR. THOMAS PRINGLE *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, 16 *September* 1824.

GENTLEMEN,—Having already had several personal conferences with you on the subject of the Literary Society which a number of Gentlemen were desirous of establishing in this place, I now consider it my duty to submit the whole circumstances attending this affair to your official consideration.

On the 22nd of last July eleven Gentlemen, inhabitants and residents in Cape Town, met at the house of Messrs. Thompson and Pillans, Merchants, with the view of concerting measures for the formation of a Literary Society. An address drawn up by my friend Mr. Fairbairn was read, and approved of; I was invited to act as Secretary until the Society was regularly organized, a few fundamental resolutions were passed, and a Committee of three persons appointed to draw up further regulations, the Members in the meanwhile assuming the name of the "South African Literary Society."

We assembled again on the 3rd of August to discuss the Report and Regulations prepared by the Committee and to introduce several Gentlemen who in the interim had made application to be added to our number. Having adopted the Regulations proposed, the Meeting was adjourned till the 11th in order to allow opportunity for the preparation and discussion of some necessary additional Rules, and for the accession of many respectable persons who had signified a desire to promote the undertaking.

Up to this period it does not appear to have been suggested by anyone, although our Meetings were publicly known and talked of, that we were transgressing or in danger of trenching on, any known Law or Regulation of the Colonial Government. This apprehension (or rather the apprehension of some old Proclamation being brought to bear against us, however different the purpose for which it was originally framed) was first suggested to us, Gentlemen, by the kind and considerate warning we received from you, when Mr. Fairbairn and I had the honor of waiting upon you the day after our second Meeting,

with the view of submitting our plans for your information and to avail ourselves of your advice respecting this embryo Institution.

The Proclamation of Sir George Yonge of February 19, 1800, then read to us by Mr. Bigge, though it did not appear to us (nor did you aver it to be) at all intended to apply to Societies of the like nature with the one we were attempting to establish; yet we judged it proper to follow the friendly advice you gave us of applying for information on the subject by a personal interview with the Colonial Secretary.

This advice we accordingly acted upon, though Advocate Cloete, one of our Members, considered such a precaution quite unnecessary in point of Law, and proposed rather to make a personal application to Lord Charles for his sanction and patronage. The private application which Mr. Cloete then offered to make in his own person, we did not oppose; but at the same time we judged it expedient to wait on the Acting Colonial Secretary, having also been referred to him by the Fiscal to whom I had likewise mentioned our meetings and the object of them.

On the 9th of August, Mr. Blair and I accordingly waited on Mr. Brink at the Colonial Office, and after explaining our purpose and our sincere desire to pursue whatever course should be considered most proper and respectful towards the Government, we put into his hands the Address, Report and Regulations, which we had previously communicated to you. We enquired also whether there was any stamp duty or licence to be paid for, or other form to be gone through, in order to render our Meetings conformable to the Regulations of the Colonial Government.

Mr. Brink acknowledged that he was uncertain whether or not such a Society could be considered liable to any Stamp duty; but added that he conceived it would be expedient for us to obtain the approbation of the Governor, and recommended some formal application to be made for that purpose. We stated that the propriety of adopting such formalities not having been foreseen we were not provided with any authority to act in behalf of the Society, but that we would make known his advice, and had no doubt that such course would be taken as was considered by the majority most respectful towards the

Governor and becoming for the Society. Mr. Brink said it was all very well, enquired when and where our next Meeting was to take place, and being informed, promised in the meanwhile to lay the papers we had left with him before His Excellency.

I may remark in passing that we continued to make careful enquiry among the Judges, Advocates, and other persons supposed to be best acquainted with the Colonial Law, as to the operation of Sir George Yonge's Proclamation, and all without exception agreed either that it was totally and fundamentally inapplicable to such Institutions as we were attempting to establish, or that having been framed for very different times and purposes,* it had become legally obsolete, and certainly would not be raked up by the Government for the inauspicious purpose of obstructing an association at once so harmless and so praiseworthy. But the sentiments of these legal Gentlemen may be best appreciated from the circumstances of the Chief Justice and two other Worshipful Members of the Court, the Deputy Fiscal, Mr. Lind, and two of the ablest advocates at the Bar, Messrs. Cloete and Joubert, having frankly and eagerly solicited to be enrolled in our List of Members, and but for an accidental omission Mr. Ryneveld, the other Deputy Fiscal, Mr. Stoll, the Landdrost, and some other individuals high in office would have been likewise voted in at our last Meeting.

To testify however most unequivocally our anxiety to pay all due honor and respect to the authorities of the Colony a resolution was unanimously passed at our third preparatory Meeting on the 11th August, requesting His Excellency the Governor to become Patron of the Society, and a deputation of nine of the most respectable Members was appointed to wait on His Excellency to solicit his consent. But ere this could be

* This Proclamation was framed to stop the progress of some Jacobinical Societies and Clubs at that time associated in Cape Town for the purpose of holding treasonable intercourse with the French Republic and for fomenting the discontents among the rebellious Boers in the interior of the colony. How it came to be revived in the present day, and under the very eye of the Commissioners of Inquiry, to prevent the establishment of Literary Societies, Libraries and Museums, is certainly a very odd and inexplicable circumstance and seems to evince a Gothic terror for the growth of knowledge little in accordance with the avowed *professions* of the Colonial Government.

[illegible] effect his Lordship thought fit to intercept our [illegible] by declaring to Sir John Truter and Mr. Cloete, two [illegible] of the deputation, his decided hostility to our [illegible] Institution, and his determination to oppose it; [illegible] as one reason for this conduct that he viewed it in [illegible] of an injurious rival to the Government Library; and [illegible] to Mr. Cloete with vindictive emphasis "That it was [illegible] for him to know that this Society had originated with Mr. Pringle and Mr. Fairbairn, for he was fully determined so [illegible] as he held the reins of Government to oppose and thwart [illegible] without exception which emanated from them," or [illegible] which they were concerned."

With this extraordinary declaration the Governor of a great and growing Colony, the representative of our liberal, magnanimous and gracious Sovereign, thought fit to reject a [illegible] from sixty-one of the most intelligent and respectable [illegible] in South Africa!

In this posture of affairs the Chief Justice, and the other [illegible] delegates having declined to proceed in the deputation, [illegible] the chairman of the last Meeting, considered it his [illegible] to address to His Excellency the following letter:

"CAPE TOWN, *August* 14*th* 1824.

"[illegible] A Society denominated the *South African* [illegible] having been recently constituted in this Town, [illegible] at a Meeting held on the 11th [illegible] your Lordship for the purpose of laying [illegible] and proceedings of the Society before [illegible] your Lordship's Patronage and [illegible] but having been subsequently [illegible] Sir John Truter that your Lordship has [illegible] impressions concerning the Society, [illegible] chairman of the Meeting which [illegible] to be carried into effect, to [illegible] information a Copy of an intro- [illegible] papers explanatory of the im- [illegible] of the Institution, together with [illegible] of the Society and a List of [illegible] Members up to the present [illegible] I feel convinced, any un-

favourable impressions regarding the Society will be entirely removed.

"I have therefore the honor to state that it was unanimously resolved at the Meeting held on the 11th instant to solicit your Lordship to become the Patron of the Society, and to request that your Lordship will be pleased to confer upon the Society the honor of accepting that Office, which cannot fail to promote its success, and thus to advance in an eminent degree the best interests of Literature and Science in this Colony. I have &c.

(Signed) "W. T. BLAIR.

"To His Excellency the Right Honorable General Lord Charles Henry Somerset, Governor, &c. &c."

To this letter His Excellency was pleased to return the following official answer:

"COLONIAL OFFICE, 16*th August* 1824.

"SIR,—I am directed by His Excellency the Governor to acknowledge his receipt this day of your letter, dated the 11th instant, and to inform you, that although he considers that of an Institution having in view the objects which the one professes to have which you inform His Excellency has been established, might under proper guidance be rendered most beneficial to the Colony, yet, as it has been formed and established without any previous reference to the Executive Government, His Excellency considers that he should greatly deviate from his duty in giving countenance to an establishment conducted by persons who have *wilfully* paid so little regard to the Authorities and Established Regulations of the Colony.

"I am directed to add that although Sir John Truter's name appears in the List of those who belong to the Society, His Excellency has Sir John Truter's authority for saying that Sir John desired to withdraw his name from it. I have &c.

(Signed) "P. G. BRINK.

"To W. T. Blair, Esqre."

The preceding detail of facts will I trust sufficiently exculpate us, Gentlemen, in your eyes from the charge of having "*wilfully*" disregarded the Authorities and established

Regulations of the Colony. The other injurious and illiberal insinuations contained in this letter not affording any tangible or precise allegation that can be distinctly met shall be left without remark to your own judgment.

In the meanwhile Dr. Philip and Mr. Fairbairn were summoned to the Fiscal's Office, and strictly interrogated respecting what he termed the "illegal Meetings" of our Society. But after a full investigation and some discussion of Sir George Yonge's Proclamation, it was proved that, even admitting this as the Law of Literary Societies in 1824, nothing had been done by us that could without the grossest and most malicious misconstruction be accounted either illegal or disrespectful to authority, so that the Fiscal at length reluctantly admitted that we might even legally hold further meetings provided they were only *preparatory* to the full and formal institution of a Society.

But a just notion may be gathered of what in the practice of this Colony is considered *legal or illegal*, by the fact that after this official admission the Fiscal sent for Mr. Pillans on the 24th of August, and warned him that all meetings of the Society *whatever* would now be counted *illegal* and punished accordingly, since his Lordship in the letter to Mr. Blair had expressly declined "to give it his countenance."

In regard to the Chief Justice, it seems somewhat remarkable that after expressing in the most unqualified terms his full conviction both of the legality and great advantages of the Institution, the first intimation of his desire to withdraw from it should be communicated through the Governor, as if Sir John were afraid of committing himself by employing his own pen in so simple a matter. He has however *since* Mr. Brink's letter was received by Mr. Blair expressed to me personally his wish to withdraw, (though he expressly declined to do it in writing). But at the same time he acknowledged to me that he still conscientiously believes the Society (as he did when he desired admittance to it) to be in *every respect* a most praiseworthy undertaking, and calculated to be of the most material advantage to Cape Town and to the Colony at large, that he continued to wish it all success, and that we even had his private approbation of our intention to proceed with it, if *practicable;* but, added the Chief Justice, "our situation here

is so very different from what it would be in Europe, that however meritorious, blameless, or beneficent any Institution may be, I consider it incumbent on me, considering the circumstances in which I am placed, to keep aloof from it, if His Excellency the Governor withholds his countenance."

Upon this apology of the Chief Justice for the course he considered it incumbent on him to adopt, I shall offer no remark, being anxious to furnish you merely with the facts and to leave inferences and reflections to your own minds. I proceed therefore to Mr. Blair's rejoinder to the letter of the Acting Secretary.

"CAPE TOWN, *August 30th* 1824.

"MY LORD,—I have the honor to acknowledge the receipt of a letter from the Colonial Office dated the 16th instant, in answer to that which I had the honor to address to your Lordship on the 14th, and to express my regret that your Excellency should be of opinion that you cannot without greatly deviating from your duty give countenance to the Institution for which your Lordship's Patronage has been solicited.

"Till this communication from the Colonial Office reached me, the Members of the South African Literary Society were not aware, My Lord, that a reference to the executive Government was necessary to the Establishment of a Literary and Scientific Society, or we certainly should not have taken any steps towards promoting such an Establishment that were not in perfect conformity to the Laws and Regulations of the Colony. But had any doubt existed in our minds on this subject, it would have been entirely removed by the circumstance that at the third and last Meeting of the Society the Chief Justice of the Colony, some Members of the Worshipful Court of Justice, the Deputy Fiscal, and several of the most esteemed Advocates of the Law, requested and obtained the honor of having their names added to the List of those Gentlemen who were engaged in what we all considered as not only an innocent, but a praiseworthy undertaking.

"Neither, My Lord, are we conscious of having shewn a want of regard to the 'Authorities,' any more than to the Regulations of the Colony, and have yet to learn in what our alledged disregard was exhibited.

"Of the 'wilful' disrespect imputed to us I must for myself and in the name of the Society I have the honor pro tempore to represent respectfully but decidedly repel an imputation so derogatory to the character of every member of that Society and so prejudicial to the credit and interests of the Institution.

"It was the wish of the Society to show every proper mark of respect to your Lordship's exalted rank and station in this Colony; and no sooner had the members framed and adopted such fundamental Laws and Regulations as were requisite to evince the character and design of the Institution than they embraced the earliest opportunity and in the most becoming and respectful manner to acquaint your Lordship with the whole of their proceedings; and to solicit for the Institution your Lordship's patronage and support; the election of the Office bearers and the full Establishment of the Society being purposely delayed till your Excellency's sentiments on the subject should be ascertained.

"The Society cannot but lament that their motives for refraining to address your Lordship at an earlier stage of their proceedings should have been so greatly misunderstood, and their conduct subjected to a censure of which they hope to be acquitted whenever their proceedings are made known.

"In again intruding on your Lordship it is not the wish of the Society to press the subject further upon your Excellency's attention, but merely to offer such an explanation of their conduct as a due regard to their own Characters, and the reputation and success of the Society appears indispensibly to demand. I have &c.

(Signed) "W. T. BLAIR.

"To His Excellency the Right Honorable Lord Charles Henry Somerset," &c., &c., &c.

To this letter no reply has been received.

In the meanwhile it was considered expedient by the majority of the Gentlemen associated to promote this undertaking that a regular Memorial should be addressed to the Governor requesting his permission to establish a Literary Society, and to hold our Meetings in Cape Town, in order that an Institution so desirable might not fall to the ground from the mere neglect

of any formality (whether legally incumbent or not) which the constituted Authorities thought fit to represent.

On the 3rd instant, therefore, in my temporary capacity of Secretary for the Society, I transmitted their Memorial to the Colonial Office accompanied with the following note to Mr. Brink:

"CAPE TOWN, *September 3rd* 1824.

"SIR,—I have the honor to transmit to you the enclosed Memorial to be submitted to His Excellency the Governor, and beg in the name of the Gentlemen whose signatures are affixed to it, that His Excellency's reply may be communicated to me for their information. I have &c.

(Signed) "THOS. PRINGLE.

"To P. G. Brink, Esqre., Acting Colonial Secretary."

"To His Excellency the Right Honorable Lord Charles Henry Somerset, Governor of His Majesty's Colony of the Cape of Good Hope, &c. &c.

"The Memorial of the undersigned Inhabitants and Residents in this Colony Respectfully Sheweth,

"That your Memorialists have made considerable progress in organizing in Cape Town a Literary and Scientific Society for the purpose of promoting the study of polite learning, of encouraging researches in Natural Science, and of affording a ready means of correcting observations, and of making public for the common good such discoveries in any of the above mentioned branches of knowledge as the learned, or diligent friends of improvement may be pleased to communicate.

"In requesting your Excellency's sanction to such a Society, and permission to hold its meetings in Cape Town for the attainment of the objects which have been named, your Memorialists beg leave to assure your Excellency that they are actuated solely by a desire of securing for themselves, their fellow Colonists and such Strangers as may from time to time visit the Cape an addition to the facilities already afforded by the South African Library for the attainment of Literary information and rational amusement, and that they have made provision rigidly to exclude from all their papers and

conversations, Politics, Controversial Theology, and every subject not connected with the primary objects of the Institution.

"Your Memorialists beg to add further, that their views with respect to the objects, general arrangement, and order of the proposed Society coincide with those expressed in the printed Rules and Regulations of the Royal Society of London, and the Asiatic Society established in Calcutta, the first of which your Excellency is aware is honored, and its principles sanctioned by the Patronage of His Majesty, and the other by the Patronage of the Governor and Council of Bengal.

"Your Memorialists therefore respectfully request that your Excellency will be pleased to grant them permission to institute a Society to be called *The South African Literary Society*, and to hold their Meetings in Cape Town.

"And your Memorialists will ever pray &c.

(Signed) J. Atherstone
Ewan Christian
Francis Collison
Henry Collison
W. T. Blair
Charles Stuart Pillans
Thos. Pringle
John Philip
R. Morrison
Benjn. Moodie
Herbert Pugh
B. Phillips
W. Wright
L. Witham
C. Liesching
Adam Robson
H. E. Rutherfoord
John Simpson
W. L. von Buckenroder
Fredk. Dickenson
R. W. Eaton
S. Twycross
John Fairbairn
Geo. Thompson
J. Monteath
F. Korsten
H. Cloete
C. Ludwig
Wm. Liesching
L. Herman
W. P. Versfeld
Wm. Miller
Chas. Maynard
J. H. Tredgold
J. W. Fairbridge, M.D."

Cape Town, September 3, 1824.

Next day I had the honor of receiving from the Colonial Office the following communication:

"Colonial Office, 4 *September* 1824.

"Sir,—I am directed by His Excellency the Governor, in reply to your communication of the 3rd instant, to inform

you, that however highly he may appreciate the objects held forth in the paper you have transmitted, it would be inconsistent with his duty to permit the Establishment of an association which might have a tendency to produce Political discussion. His Excellency is aware that the proposed Society profess to abstain from the introduction of such Topics, at the same time His Excellency feels assured that he has only to call your attention, in this respect, to the disappointment he has recently experienced under similar assurances, to justify his declining to accede to the Establishment of the Society as it is at present constituted. I have &c.

"(Signed) P. G. BRINK.

"To Mr. Thomas Pringle."

Such, Gentlemen, has been the result of an attempt to establish a Literary Society and to found a Subscription Library and Museum in South Africa, an attempt which, originating in the most pure and praiseworthy motives, and attended so far as it had proceeded with the most flattering success, has been put down at once by the frown of the Governor. The *motives* which prompted His Excellency to adopt a course so extraordinary and unexpected I pretend not to analyze: the avowed *pretences* are either so obviously inapplicable or so indistinctly expressed that did they not proceed from one in high authority they might well be passed over without notice. As it is, I consider it quite sufficient, in regard to the first charge of "*wilful*" disrespect towards the constituted authorities, to refer you to the foregoing details and to Mr. Blair's dignified reply to the Colonial Secretary.

This ground of accusation not being found tenable, His Excellency in his letter of the 4th instant while professing "highly to appreciate" the objects held forth in our Memorial, informs us that "it would be inconsistent with his duty to permit the establishment of an association which might have a tendency to produce political discussion," most strangely starting this groundless objection after being in possession of our fundamental Regulations by which "political discussion" is rigidly and entirely excluded, and notwithstanding his possessing in the Character and situation of the majority of the Members an additional security at once obvious and unques-

tionable! Certainly the Political apprehensions and jealousies of the Colonial Government must be in a marvellous state of excitement since all these securities could not induce it to permit the formation of a Literary association of which three of its Judges besides many other public Servants and dependants were already Members.

His Excellency has referred in a significant though rather indefinite manner to "the disappointment he has recently met with under similar assurances," but whether this allusion is pointed to the Editors of the *South African Journal*, to Greig's Newspaper, or to the late lively discussion at the Anniversary of the Society for the relief of distressed Settlers (urged on, as you, Gentlemen, yourselves witnessed by the avowed Agents of Government), I really cannot presume to guess. If His Lordship alludes to the *South African Journal*, I shall not digress from my present purpose to defend its management, nor attempt to appreciate the actual causes of His Lordship's disappointment in the matter; though when the proper occasion arrives I confidently expect to prove that the Editors of that Journal as well as the public at large had much better reason than the Colonial Government to be dissatisfied with the result.

But surely, Gentlemen, questions of this sort had no natural connection with the case before us, nor any analogy even to the plan or circumstances of the proposed association. Granting even that a censorship of the Press were expedient in the Cape Colony, a Society of this sort had in its very character and composition a censorship over the Members at once inevitable and efficient. Surely the state of the Colony is not more alarming now than when Sir George Yonge issued his celebrated Proclamation, and yet even *then* Societies *might* be formed under the sanction of the Government.

So utterly absurd and ridiculous do such apprehensions (whether real or affected) appear that I find it difficult to restrict myself to a grave detail of the circumstances, and yet so lamentable and humiliating are the actual results that to treat the matter with levity or derision would be equally unbecoming in me and inappropriate to your honorable mission and English feelings.

I shall therefore abruptly conclude this communication by

entreating you in behalf of the sixty-one Gentlemen whose names are recorded in the list of Members, to institute a rigid enquiry into the circumstances and character of the proceedings here referred to, in order that their names may be rescued from the authoritative calumny that has been so unjustly attached to them.

I only venture to add one closing remark, if it be possible that His Majesty's Government can approve of the present measures of our Colonial Administration in interdicting every popular enterprize or association for the improvement of the Colony, from the miserable and most *un-English* dread of "political discussion," the Cape, I feel convinced, bad as it is at present, will soon be worse; inasmuch as it cannot fail to be speedily abandoned by every man not utterly engrossed by the mere sordid love of profit or of place, by every man above the grade of the slave and slave holder, and must ultimately fall into the same degraded condition in which the Portuguese Settlements on the East and West Coasts and the demoralised communities of the Isle of France and Bourbon are now sunk.

I subjoin a printed copy of the Report, Regulations and List of Members of the projected Society, and have &c.

(Signed) THOS. PRINGLE.

[Copy.]

Letter from the LANDDROST AND HEEMRADEN OF STELLENBOSCH *to the* COMMISSIONERS OF ENQUIRY.

STELLENBOSCH, *September* 16, 1824.

GENTLEMEN,—We have the honor to acknowledge the receipt of your official Letter of the 12th August last, requiring "a detailed Statement of the manner in which the three different Sums of Money, together amounting to Rds. 63,000, advanced by the British Government for the Relief of the Inhabitants of the District of Stellenbosch who suffered severe losses by the Storms of July 1822, have been distributed."

In obedience whereof we take the liberty to transmit to you herewith, the Statement in question, and we further beg leave

to state in elucidation of the same, that after the several Wardmasters and Field Cornets had been ordered by us to send in specific Lists of the damages occasioned in each of their respective Wards, their reports were brought under the consideration of our Board, by whom afterwards the Sums advanced were distributed amongst those whose losses and circumstances have been of such a nature as to require pecuniary relief.

We finally beg to add that the Sum of Rds. 3000, which appears in the last Item on the list, was advanced by Government to our Board, in order to be given to Mr. Petrus Johannes Cats. for losses sustained by fire; and which Sum has been granted to him under the same terms as the two Sums of Thirty thousand Rixdollars. We have &c.

The Board of Landdrost and Heemraden,

(Signed) D. J. VAN RYNEVELD, Landdrost,
R. NEETHLING
J. C. FAURE
P. ROUX
A. C. VAN DER BYL.

[The list of names of persons to whom money was advanced, with the names of their securities and other particulars, covers fourteen pages of manuscript, and it seems unnecessary to give it here.—G. M. T.]

[Copy.]

Letter from the CHIEF JUSTICE *to the* ACTING COLONIAL SECRETARY.

CAMP GROUND, *the 17th September* 1824.

SIR,—In reply to your Letter of the 26th ultimo with reference to mine of the 9th July before, on the subject of Mr. C. F. Liesching's application for permission to practise as an Apothecary, Chemist and Druggist, requesting me to state to His Excellency explicitly what in my opinion I conceive is meant by the words "of *such Certificate as is usually required for these arts*" alluded to in the 2nd article of

the Proclamation of the 26th September 1823, I beg leave to say for the information of His Excellency that the 2nd Article of this Proclamation expressly distinguishes between professional Men requiring a regular Diploma from an University or College in Europe, and others not subject to the production of a Diploma, but merely of such Certificate as is usually required.

Now taking the adverb usually in its common signification, I conceive nothing else can be meant by it than such Certificate, upon the production of which it *is usual* here to grant Licences to Individuals to practise as Apothecaries, and as it has appeared to me when I wrote my Letter of the 9th July, and has since been confirmed to my full satisfaction, that persons actually practising as Apothecaries, for instance Rimrod and Engles, have been admitted on a Certificate of their apprenticeship, and a Certificate of their examination, I conceive I may consider this mode as *usual*, and as comprehending the only requisites for the admission of Mr. C. F. Liesching. It will perhaps be said, that Rimrod had certificates of his having served in Europe; but this is not material, his original admission made him competent to such Service, and the Certificate thereof being only to be considered as a consequence and an effect of his first admission into that Service. Mr. C. F. Liesching has as regular a Certificate of his apprenticeship as any other which I have inspected, has after his Apprenticeship served during five years publicly as a managing Partner in his Father's shop, and is ready to submit to a strict examination. If he had arrived in this Country with three Certificates to that effect he would have been admitted like others without any difficulty. Quære therefore, what is the difference, I conceive there can be none, since an Apothecary may as well be formed here as anywhere else. And since the Law only in Physicians, and not in Apothecaries, requires a Document from an University or College *in Europe.*

Under all these Circumstances I should conceive with due submission that the Law is as clear as possible, and far from being an obstacle to the admission of Memorialist, places his request in a plain favorable light.

Submitting this opinion respectfully to His Excellency's better judgment, I have &c.

(Signed) J. A. Truter.

[Original.]

Letter from MR. THOMAS PRINGLE *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *September* 17, 1824.

GENTLEMEN,—I have the honour to transmit you a statement respecting the Literary Society of which I had formely the honour to speak to you.

I understand that others of the members are also desirous of calling your attention to the conduct of the Colonial Government in this matter, but in regard to the present communication, though it has been seen and approved of by several of the members I alone can be considered as responsible. I have &c.

(Signed) THOS. PRINGLE.

[Copy.]

Letter from LORD CHARLES SOMERSET *to the* COMMISSIONERS OF ENQUIRY.

GOVERNMENT HOUSE, CAPE TOWN,
18*th September* 1824.

GENTLEMEN,—In reply to the communication you have done me the honour to make to me, relative to an address that was transmitted in 1823 by a portion of the settlers in Albany to Earl Bathurst, I have the honour to transmit to you my observations upon the several assertions made in that extraordinary production, exclusive of the particular remarks that I have felt it my duty to make upon the respective clauses of it. I deem it incumbent upon me to observe, that I never perused a paper containing more complete misrepresentations and perversion of facts. I have further to state, that the Rev. Mr. Geary informed me by letter, dated 6th May 1823, which I forwarded to Mr. W. Horton 29th May 1823, that signatures to the address were surreptitiously obtained from persons who never read it, under assurances of its purport being a totally different one. As Mr. Geary had not at that time entered upon

the political career he has since adopted, and as he stated this circumstance as fact, I have reason to give credence to it. I have also been informed from another (a very respectable) quarter, that signatures were obtained from persons who were not permitted to read the address, but who were assured that its sole purport was the establishment of a port at the mouth of the Kowie.

I have the honour at the same time to forward to you my observations on the substance of the information received by you in the course of your visit to the district of Albany, upon the various subjects of complaint embodied in the address.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Observations upon the several Assertions made in the Address that was transmitted in 1823 *by a portion of the Settlers in Albany to Earl Bathurst.*

Par. 1. The sense of justice here alluded to more nearly resembles a spirit of resistance to legitimate authority and wholesome restraint, than a wish to give candid information.

That which is given will for the most part be found at variance with the truth. The failures which have, during four successive seasons, occurred in the corn crops, render it difficult to say what are the natural disadvantages of the country; but if a want of success has arisen from any other cause than the unfavourableness of the seasons, the visitations of long droughts, and of violent tempests and inundations, it is to be found in the absence of industry on the part of the settlers, and in an unbounded propensity to inebriety; there never has been a time when a common labourer could not obtain 2 rixdollars (about 2*s.* 10½*d.* sterling) per diem and his food. If this government have erred, it has been by being too bountiful in its aid; but if this liberality is to be brought against it as a crime, I would ask if it were not better that too extended a supply of rations should have been issued than that a single person's life should have been risked by want?

Par. 3. The establishment of a town which is here mentioned, as if the seat of magistracy *had been removed*, never took place. A large sum of money (20,000 rixdollars) was advanced to a contractor for an extensive building at Bathurst, under the intention I was told of removing the seat of magistracy from Graham's Town, where it had been established since 1812; but the building has never been completed, and the contractor is without means or property. I make no comment upon the unfitness of the place for a town, the absence of good water, &c. &c. as I think it quite sufficient to say that the dividing the chief town and seat of magistracy from the principal military station, even if the *site* had been more advantageous, and the expense had not (as it certainly would have) been enormously greater, was the most unwise, the most impolitic, and the most improvident measure, as it regarded the safety of the border and the future prosperity of the inhabitants, (always excepting, however, the establishment at Fredericksburg), that could have been devised; and at the time it was projected, it appears most peculiarly strange, as the commandantship of the military force on the frontier was combined at that moment with the office of chief civil magistrate, both of these situations requiring unremitting, and I may say, hourly personal attendance and exertion; and yet by the arrangement proposed, these incessant duties with which the same individual was charged were proposed to be placed at a distance of twenty-four miles from each other. Not being present when the friendly intercourse with the Caffres here referred to was established, and finding no official documents or any record alluding to them, I am inclined to believe that this is an assertion totally unfounded. I have only to say that on my return from England I found that the only system which experience and personal observation had taught me could be effectual against the Caffres, either with a view of present safety or ultimate conciliation, (arising from civilization, and which system had received Earl Bathurst's unqualified approbation and sanction), had been totally abandoned, and the good effects which had arisen from that system (laid down by me in 1819), and which was ably pursued by Lieutenant-Colonel Willshire, were rendered abortive.

Par. 4. This is a gratuitous falsehood. There is a weekly

post throughout the year between Graham's Town and all other parts of the colony, and immediate attention is paid to every representation made to the secretary to the government, or to the Governor.

Par. 5. Having been twice through every part of Albany, I am not only not ignorant, but perfectly acquainted with the soil, climate and every other circumstance relative to it: it is true I have not visited the locations, because peculiar circumstances have occurred which rendered my absence from the seat of government impracticable under any circumstances; but it is my intention, as soon as I shall have due assistance in the administration of the government by the appointment of a secretary to the government, in whom I can repose confidence, to repair to the locations. In the mean time I have sent a special commission there, for the sole purpose of minutely investigating the claims and distresses (if any) of the settlers, and of mediating between contending parties.

Par. 6. The intention was a mischievous one, although when the framers of the plan were discovered they pretended it was not.

The annexure will show, that the acting Governor had already given directions on that head, so that the interference of the magistrate to prevent meetings called without his authority, and without declaring the objects of them, was not only in conformity with the general regulations for the safety of the colony, but to a recent instruction issued by the acting Governor for that part of the colony expressly. The application for permission to assemble was answered by saying that the objects of the meeting should be stated, and the unwillingness of the persons who took the lead on that occasion to avow their intentions affords but one conclusion.

The last paragraph of the 7th clause is a gratuitous falsehood. The sketch of their situation as it is called, is not only imperfect as they allow it to be, but most disgracefully unfaithful; and pains were taken by me not to reverse or disturb any measures adopted, except such as it was absolutely necessary to rescind with a view to the public safety.

Pars. 9, 10. Although the settlers have no cause for complaint on this head, as it was a positive clause conveyed to them previous to their quitting England by the Secretary of State,

yet it is a principal instruction to the Commissioner to state what additional land can be distributed to the settlers, and in what proportion. The withholding of the deposit money will not appear unjust, when it is stated that the settlers have incurred a debt with the British Government amounting to 221,205 rixdollars, or about £15,800 sterling.

Par. 11. It is only necessary to refer to the state of the market at any period since the settlers have been in Albany, to prove the total incorrectness of this assertion. The unfortunate failures in the crops have alone ensured a prompt sale at a very extravagant price for every article raised; and so far from the government reserving to itself a monopoly of the only internal market, the whole of the supplies to the commissariat are furnished by public tender; and in lieu of no exportation being permitted, every possible exertion has been made, and no wise expenditure withheld, to establish a port at the Kowie Mouth. To open this port in its present state of infancy to a foreign market, would be to invite smuggling to the prejudice of the fair trader. When it may be regarded as established, and a hope of trade (other than the coasting trade) flourishing there, the necessary establishment of a custom department will be placed there.

Par. 12. The residence for a magistrate never having been completed, the effects of it could not have had the results here asserted. With regard to the establishment of the town of Bathurst, I shall repeat that it was, except that of Fredericksburg, the most impolitic measure that could have been projected; the terming that a "town" where there was scarcely a house, is liable to the same imputations as many other assertions of the authors of this address.

Par. 13. That the settlers were exposed to depredations from the Caffres there can be no doubt; but that those depredations arose solely and entirely from a departure from the system I laid down in 1819 I boldly and positively assert, and perhaps I cannot adduce a stronger proof of it than by stating, that ever since the command devolved upon Major Somerset by the death of Lieutenant-Colonel Fraser in October 1823, that system has been rigidly adhered to, and the tranquillity of the border established; and so sensible are the inhabitants of the truth of this assertion, that a memorial from a very large

proportion of the settlers near the border has been recently presented to His Majesty's Commissioners of Inquiry, praying that they would intercede with His Majesty's Government at home to retain Major Somerset in the command.*

I have before touched upon the establishment of Fredericksburg; the seizing of Gaika I never heard of until I read it in this tissue of falsehood. Every possible and wise measure has been adopted to introduce civilization among the Caffres.

Par. 15. The wisdom of changing the established laws of the colony for those of Great Britain, is a subject for the consideration of abler and better men than the composers of this address; it is to be observed, however, that in Lord Bathurst's earliest instructions to the parties before they quitted England, he explicitly pointed out to them that they would be subject to the Dutch laws, so that they entered upon their undertaking very thoroughly aware by what code of laws they would be governed.

(Signed) CHARLES HENRY SOMERSET.

J. T. Bigge, Esquire, Major W. M. G. Colebrooke,
His Majesty's Commissioners of Inquiry.

[Enclosure 2 in the above.]

Observations upon the Substance of the Information received by the Commissioners of Inquiry in the course of their visit to the District of Albany, upon the various subjects of Complaint embodied in the Address transmitted to Earl Bathurst in 1823 *by a portion of the British Settlers.*

Par. 3. As I was in England during the time of Captain Trappes' administration of the deputy local magistracy, I can make no comment on the transactions or occurrences of that period; but I annex a proclamation of mine, dated 26th June 1818, which in my opinion completely defines the relation between master and servant, and to which the local magistrates might have been referred for their guidance. I have only to observe, that I believe there is no instance of a servant

* Since writing this, a memorial has been received, signed by all the respectable boors on the Baviaans River, in the district of Graaff Reinet, to the same purpose.

having been released from his engagement with his master without my sanction and authority, and I am quite clear that I never authorized a separation that was not unreservedly sanctioned by the master.

Upon the subject of the too lavish an issue of rations in the early stages of the settlement, I am not competent to speak; I can only state it as my firm belief that the issue of rice, &c. which I subsequently caused, has saved many an individual from absolute want.

I do not coincide in the most remote degree with those who admit that the establishment at Bathurst was a disposition favourable to the emigrant settlers, but I consider it in every point of view the most impolitic measure (except the establishment of Fredericksburg) that could have been devised. I believe I may say, that there has been but little, if any, loss to individuals from having built at Bathurst: compensation was made in land or in erven at Graham's Town to those who had expended any money; but few, if any, *purchased* erven at Bathurst; and if any blame attaches to the authorities on account of loss on this head, it must be upon those who projected so improvident a measure, and not upon those who arrested it and prevented the evil results that must have occurred from such an establishment.

I do not well understand the expression of "the removal being less abrupt," the magistracy never having been established at Bathurst; a special heemraad was placed there, until it was found that the employment of such a functionary was no longer necessary.

Upon the system of military defence pursued after the supercession of that able officer Lieutenant-Colonel Willshire, I must beg to decline commenting further than to say, that it subverted every principle of the system, which long experience and personal observation had convinced me was the only one that could establish anything like security against the Caffres, and which system had been approved and sanctioned by Earl Bathurst. The pernicious results arising from the abandonment of that system, and the security that has since followed a return to it, will best show which is the preferable one.

Every possible measure has been adopted to introduce civilization amongst the Caffres. Two establishments of

catechists are fixed within their territory, and a weekly fair has been established at the most remote military post of the border, and every salutary precaution taken to prevent unfair or surreptitious dealing with the natives. With regard to an augmentation of land to the several locations, it is a point to which the Commissioner's attention (who has been sent to Albany for the purpose of adjusting discontents) has been particularly called.

Par. 4. Having referred this paragraph to Mr. Rivers, I annex his own words in reply to it, and have only to remark that I know of no means by which the Governor could carry on his administration of the government in the remote districts but by a reference to the local authorities for information, and report upon all applications involving local matter; and he must have a very slender knowledge of human nature, who can imagine that a system of incorrect or partial information could escape early detection.

Par. 5. The colonial government was not ignorant of the real situation of the settlers, neither was it uninformed of the artifices resorted to by many (whose education and former station in life gave them influence) to increase the discontents arising from the visitations of Providence, and render disaffected the lower classes. The special heemraad was not removed from Bathurst until it was found unnecessary to retain one there.

Par. 6. Circular written invitations having been sent to the heads of parties to attend a meeting on a particular day upon matters of importance to the interests of the settlers, and no intimation either of the intention of holding such a meeting, or of the objects and matters to be discussed, having been made to the landdrost, and consequently no permission to assemble having been obtained, it became the landdrost's positive duty to take steps to prevent its occurrence by a public notice. It will be seen that in this notice no imputation was cast upon the motives of the settlers in general; but as the district at that time was filled with libellous and scurrilous writings from anonymous authors, insulting the local authorities, and reviling the measures of government, by which a strong feeling of dissatisfaction had been excited, it was the more necessary and imperative on the landdrost to act up to the letter of his

instructions. If the intentions of those who called the meeting had not been mischievous, why was there an unwillingness to disclose them, and why was everything done secretly ?

Par. 7. The removal of the special heemraad has been replied to in paragraph No. 6.

If there was a relaxation in the system of defence against the Caffres, it rests with the officer then in command of the frontier, Lieutenant-Colonel Scott. That officer received precisely the same instructions as the present commandant; and under those very orders, he (Major Somerset) has prevented depredation and established tranquillity throughout the frontier. The wants of the settlers after the failure of their crops were most considerately supplied by gratuitous issues of rice, seed corn, and every thing that could (with industry) promote their future success. This representation relative to the Albany levy is totally unfounded; the attendance at the musters has never been insisted on; excuses of any description have at all times been admitted, and at the period of the date of the address, one muster only had taken place. No instance of any species of punishment has occurred, the enrolment was made at the habitation of each individual, and the most convenient places have been selected for mustering. Four of the six officers of the levy are half-pay officers of the army, and no instance has occurred of a half-pay officer being required to fall into the ranks at a muster.

The oath was administered according to the provisions of the proclamation, in which the provisions of the Act of Parliament of the 43rd George the 3rd were followed, and every possible attention and consideration to the feelings of every individual were shown in the organization of the levy. The penalties have never been enforced.

Par. 8. On this paragraph I have only to repeat my observation upon paragraph 6, that if their intentions were harmless, there would have been no backwardness in declaring them, and that the magistrate only did his duty in requiring to know them.

Par. 9. This subject has been answered in the observations upon paragraph No. 3.

Pars. 10 & 11. This is a misstatement, the Somerset Farm at the time alluded to only supplied the colonial corps, the

rest of the army was supplied by public tender; and at this time the whole army on the frontier is supplied in that manner. So far from the mode adopted having caused any injury to the agriculturists on the frontier, the commissariat department was necessitated to send considerable supplies from Cape Town for the use of the army on the frontier. This renders any reply to the observation upon the Somerset Farm (which is a gross untruth) unnecessary. It has always been a favourite object of mine to break up the Somerset Farm, and by disposing of it in lots to establish a town and magistracy there, abolishing that at Cradock; but the want of grain on the frontier, from the successive blights, has not hitherto rendered it safe to carry that object into execution. The subject of a direct trade (otherwise than a coasting trade) is premature; when it shall be politic to establish it, it will not be overlooked. All these complaints are made for the sole purpose of exciting dissatisfaction, and not from any real cause for grievance.

Par. 14. I have already given my opinion as to the only system which can check the depredations of the Caffres. The officer in command in 1822, Lieutenant-Colonel Scott, was, by his orders, left no choice; and if he followed his own views on the subject, in opposition to the system laid down, he acted in direct disobedience to those orders, and is amenable for his conduct.

I have always considered that the conferences held by Lieutenant-Colonel Scott with the Caffre chiefs were unwise, and were productive of much subsequent injury. With regard to the attack upon Gaika, it is to be regretted that it was not so judiciously planned by Lieutenant-Colonel Scott as to ensure the success of the object in making it. The orders given Lieutenant-Colonel Scott tended at all times to conciliate the Caffres, but when it was necessary to punish them, to do so effectually, and leave no chance of failure.

It is needless to say more on the subject of the establishment at Fredericksburg, having already more than once described it as the most pernicious and impolitic measure that could have entered into the mind of any one.

Par. 15. Upon the subject of being governed by the Dutch law, Earl Bathurst made the settlers fully acquainted prior to their quitting England, or of engaging in the undertaking, that

it was by those laws they were to be governed. So consi
have I been with regard to these people, that, althoug
decision of His Majesty's Government the law proceed
the colony are not to be carried on in English until
January 1827, I established that measure in Albany excl
by proclamation of the 30th January 1824.

The secretary of the district, who was charged with pr
litigation, has been permitted to resign ; and in order t
any inducement to such a course in future, the fees w
secretary formerly received upon those cases for his
advantage, and which the secretaries continue to
other districts, have in this district been carried to
credit, and a regular salary, without emoluments, giv
officer.

The contractors who have undertaken public buil
occasionally have employed slaves, but as many
could be procured have always been employed. Th
that no man capable of work in Albany need be idle
labourer may obtain two rixdollars (about 2*s.* 10
per diem and his food. One or two of the functi
have retained domestic slaves as their personal att
none have been employed for predial purposes. I
serious hardship upon the master, as well as on
force a separation in cases of this nature. No p
community is better off, or happier perhaps, than
slave in South Africa ; and the invariable pro
ebriety, insolence, laziness and irregularity in t
of English at the Cape disqualify them entirely, a
an exception, for domestic servants.

(Signed) CHARLES HENRY

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARL

DOWNING STREET, LONDON, 21*st*

MY LORD,—I transmit enclosed to your L
munication and its enclosures which I have r
Foreign Office requesting that enquiry may be

an Individual named John Albrecht, a Native of the Canton of Bern, in Switzerland, and I have to desire that your Lordship will communicate to me the result of the enquiries which you will have the goodness to cause to be made accordingly respecting the Individual in question. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from LORD CHARLES SOMERSET *to the* COMMISSIONERS OF ENQUIRY.

GOVERNMENT HOUSE, CAPE TOWN, 21*st September* 1824.

GENTLEMEN,—In doing myself the honor to return you the Evidence given on Oath by Mr. D'Escury upon the Grant of Land to Mr. Redelinghuys, it would ill become me to follow him through all the various perversion of Facts which his sordid mind, as the agent of a foul and infamous conspiracy, has led him to state; but there are a few misstatements so gross and wilful that I feel myself called upon to point them out.

There are two species of Falsehood, the one the withholding the truth, the other the stating that which the Deponent *knows* to be untrue. In both these Mr. D'Escury appears to be an adept, and the being upon his Oath seems not to appal him.

In the first examination he put words into my mouth which I never uttered, in stating his application for a Seat in the Court of Justice. Considering Mr. D'Escury a person totally unfit for that office, and not being willing to hurt his feelings by telling him so, I replied that I thought the duties incompatible with those of his other Situations. To this he observed that the Colonial Auditor and the Receiver of Land Revenue were each Members of the Court of Justice. I remarked that by a parity of argument there would be no reason why the Holder of his Situation or any other under the Government should not have a Seat in the Court of Justice, but that it did not justify the measure, nor was it an admissible argument that because one had once erred, one should continue to err. All that I could say was that when a vacancy occurred I would

give consideration to his claims with the claims of others. About half a year afterwards he took occasion in a letter to me to refer to a *promise* I had made him of the first vacancy in the Court of Justice. On receipt of this letter I instantly mounted my horse and rode to Colonel Bird, and directed him to see Mr. D'Escury immediately and to express to him my extreme displeasure at his asserting that I had made him a *promise.* It would appear that this disappointment enlisted him into the conspiracy against me, and he seems to have set no bounds to his hostility in his assassination of my honor.

In the same Evidence he states that he never knew of any Grant so extensive as that made to Mr. Redelinghuys, and that the next in extent was made to Mr. L. Cloete of 7308 Morgen. In this assertion he forgets his recommending, without any comment as to its great extent, the grant of Rhenoster Fontein and adjacent places in 1823, containing 32,725 acres, to Mr. Dirk van Reenen, who became security in 20,000 Rds. for Mr. Buissinne (the Brother in Law of Colonel Bird) as Receiver General of Land Revenue.

The Estate of Mr. Dirk van Reenen is not like the Hantam lands of a miserable sterile soil and 450 miles from any market, but upon the left bank of the Breede River and the whole on the sea coast, where there is a very excellent Port and a coasting trade established.

Mr. D'Escury's remark relative to Mr. L. Cloete is a gross and wilful misstatement. The 7000 morgen alluded to form three Places, the Hope, the Papiers Fontein, and the Napky granted in 1791 and 1793 by the Dutch Commissary General Nederburgh, two of these on a particular tenure (free from all Land dues) by a Resolution of the Government dated 11 June 1791, and it was only in yielding to the strong invitations of Government contained in Sir John Cradock's Proclamation of the 6th August 1813 that Mr. Cloete consented to convert them into perpetual Quitrent, for which he is charged 100 Rds. per annum. The expence of Survey and measuring it is so great that in order to lessen it he submitted to receive only 7,000 morgen, whereas his Places previously contained 9,000, and this is what Mr. D'Escury terms a Grant ! ! !

The only grant of new Ground to Mr. L. Cloete is 1700 Morgen of waste Land without a Spring between intermediate

Spots of his own Freehold Ground, for which he (one of Mr. D'Escury's valuations) is charged 200 Rds. per annum, whereas the utmost charge that can be made on a full place of 3000 Morgen, possessing every advantage of Situation, Soil, and Water, is 250 Rixdollars, and so far from considering that he has received a benefit from Government, Mr. L. Cloete is constant and unremitting in his complaints of the hardship of his case.

In one of his replies on his first examination Mr. D'Escury reports "that these persons, Redelinghuys and his wife," were "not deserving of encouragement, with reference either to their means or their exertions." I beg to refer to the Landdrost's Letter of the 8th December 1819 which fully refutes this gratuitous untruth.

In another reply he asserts that the parties had two Loan Places at the time of the Grant, unconverted, which he says is *a standing objection against a new Grant.* In this assertion there are two gratuitous falsehoods. First the Loan places had been asked for in quitrent upwards of 3 years previous by Mrs. Louw's former husband. Secondly, the Regulation is that no Grant of new Land shall be made whilst the Memorialist holds a Loan place, *not asked for* (not unconverted) in Quit rent; the conversion resting entirely on the will and convenience of Government, and years perhaps elapse to the great inconvenience of the Applicant before the Survey can be made.

Mr. D'Escury's observation on the improvement in the Breed of Horses benefiting exclusively the Horse dealers and that the public suffers by it, elucidates very clearly his contemptible capacity to judge of measures of general Policy. The fact is that the demand for the improved breed of Horses for exportation is so great that it is difficult to obtain a Horse older than 3 years. If I had not had repeated proof of Mr. D'Escury's total incapacity not only to judge of, but even to conceive a measure of general utility, this remark would surprize me.

In Mr. D'Escury's second examination, he speaks of the sale of Horses to Mr. Proctor. He sent for a stallion from England which died on the passage with a mare, by which he suffered a loss of nearly £500.

Mr. Proctor imported one and purchased several (7 or 8)

English thorough bred mares from Captain Christopher of the ship *Charles Mills*. He also purchased two thorough bred English stallions from on board an Indiaman in Table Bay. At the time of Mr. Proctor's Grant he had thus sunk a very large Capital in the Breed of Horses. He cultivated to so great an extent that he possessed 300 working oxen. The absence of enterprize in sinking Capital in Agriculture and other pursuits is the principal evil that the Colony labours under, and so far from thinking with Mr. D'Escury, I would willingly remit *all rent* where the occupier of land would sink even one fourth of the Capital Mr. Proctor has sunk.

The Benefit arising to the Colony from such exertions as his is infinitely greater than a rent five times the amount of the highest rent in the Colony.

The Horse Kutinoff was not sold for 10,000 Rds. I think his price was 6000 or 7000, I do not recollect which. The Horse unfortunately died suddenly after the purchaser had used him one season, and I permitted a Horse of mine (the best English Stallion then in the Colony except the Sorcerer Horse) to cover 60 mares *gratis* for the Boer the following season to compensate for his loss.

I shall not condescend to make any comment upon Mr. D'Escury's opprobrious Epithet of "Horse dealing," leaving the reflection of so contemptuous a charge solely to the result of your enquiries upon the subject. I reflect with the greatest satisfaction on the benefits that have accrued to the Colony (benefits that can never be eradicated) by my importation of English horses, and altho' I have suffered a very great pecuniary loss by it, I do not regret one Shilling of it, conscious that if I had not undertaken the risk and consulted the means and capabilities of the breeding Farmers in the disposal of those which arrived here alive, I never could have effected the great improvement that has taken place in the breed of that noble animal, and which every Boer acknowledges is now become the only profitable line of Husbandry. I have &c.

(Signed) C. H. Somerset.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., *to* J. STEPHEN, ESQRE.

DOWNING STREET, 21 *September* 1824.

SIR,—I am directed by Lord Bathurst to transmit to you enclosed a letter which has been received from a Mr. George Greig complaining of the suppression of a Journal edited by him at the Cape of Good Hope.

I likewise enclose a dispatch from the Governor of that Colony reporting the reasons which had influenced him in adopting that measure, and in ordering Mr. Greig to quit the Colony, and I have to request that you will report to me for his Lordship's information your opinion in point of Law respecting these proceedings. I am &c.

(Signed) R. W. HORTON.

[Copy.]

Letter from the Acting Colonial Secretary to the Colonial Medical Inspector.

COLONIAL OFFICE, 21*st September* 1824.

SIR,—The Report of the Chief Justice dated the 9th of July last upon a reference to his professional opinion as to the legality of admitting Mr. C. F. Liesching to practise as an Apothecary, Chemist and Druggist, having stated that he considered him entitled to practise upon producing the usual Certificate, His Excellency the Governor felt himself bound to call on the Chief Justice to specify the extent of the expression "usual Certificate," and I have now the honor of enclosing to you a copy of Sir John Truter's report thereon, and to inform you that His Excellency entirely coincides in the Chief Justice's interpretation of the Law, and therefore directs that you will nominate two Medical Gentlemen to compose a Board with yourself for the examination of Mr. C. F. Liesching relative to his qualifications to practise as an Apothecary, Chemist and Druggist in this Colony. I have &c.

(Signed) P. G. BRINK.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 22*nd September* 1824.

MY LORD,—This letter will be delivered to your Lordship by David Luttringhausser who is proceeding to the Cape of Good Hope accompanied by his Wife and another female, for the purpose of assisting in the Mission of the Unitas Fratrum among the Hottentots in that Colony, and I beg leave to recommend these persons to your Lordship's protection.

I have &c.

(Signed) BATHURST.

[Copy.]

Memorandum by the Landdrost of Albany.

GRAHAM'S TOWN, 22*nd September* 1824.

In July G. Hodgkinson and Ann Atkins, having passed the Matrimonial Court, applied to Mr. Geary for the solemnization of their Marriage, but in consequence of their non-compliance with the demand for Fees, to the amount of 33 Rixdollars, he refused to perform the Ceremony, and they returned to their Location. Mr. Bowker (Heemraad) shortly afterwards communicated this circumstance, which I had not before heard, to me, and in stating the disappointment it had occasioned to the parties, asked me how they should proceed as they were in a state of poverty which rendered them unable to pay any Fees. I stated to Mr. Bowker that I could not interfere unless Hodgkinson should apply to me on the subject, in which case I felt no doubt that on my representing his poverty to Mr. Geary the Ceremony would be performed gratis. A few days afterwards the circumstance was reported to me, by Letter, by Mr. Austin (Heemraad), to whom I made a similar reply, and heard no more of the affair until the beginning of this month, when Mr. T. Phillips of Lampeter (whom I had not seen for three months before) calling on official business, mentioned it,

and enquired in what way it would be possible, as Hodgkinson was unable to pay any Fees, to procure a solemnization of his marriage. I informed Mr. Phillips what I had told Messrs. Bowker and Austin, without however saying a word to Mr. Phillips about giving orders or directions to Mr. Geary, which the annexed Letter from my Clerk, Mr. Willis, who was present during the whole of the conversation, will prove.

On Saturday last Hodgkinson came to the Office on the Subject, when I desired him to call on Mr. Geary. I then wrote to Mr. Geary stating I had satisfied myself on the point of the man's inability to pay Fees, and requesting that he and Ann Atkins might therefore be married gratis, and being totally ignorant of any information or reports having been carried to him on the subject, I did not anticipate any hesitation in a compliance, which I expected he would yield as much in compassion to the parties as in courtesy to me, particularly as a rumour had become very prevalent, which Mr. Geary had aided in circulating, that many English Settlers, who had passed the Matrimonial Court, are living as Men and Wives, without marriage, rather than pay the Fees.

A true copy.

(Signed) HARRY RIVERS.

[Original.]

Letter from MAJOR BLAKE *to* LORD CHARLES SOMERSET.

WYNBERG, 22*nd September* 1824.

MY LORD,—I have the honor to inform Your Excellency that on visiting the Military Guard at Capn. Corndes this morning, over the Convict William Edwards, I was requested by Mr. Edwards to be the bearer of a message to your Lordship to say: "That he allowed he had made a most unjust and unwarrantable attack upon your Lordship in the Court of Justice, and that he deeply regretted having given way to the violence of a hasty temper to such an extent. Mr. Edwards considered it the duty of every loyal Subject to support the Governor of a

Colony, that he was extremely vexed at having deviated from that line of conduct, and particularly so in the present instance towards your Lordship as an Individual from whom he never had received the slightest provocation." I have &c.

(Signed) M. BLAKE.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 23*rd September* 1824.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's dispatch of the 10th of May transmitting copies of a communication from Mr. F. G. Farewell, relative to a Commercial Speculation into which he is about to enter on the South East Coast of Africa; and I have to acquaint your Lordship in reply that there appears to be no objection to the terms on which your Lordship has acceded to Mr. Farewell's application. I take this opportunity of transmitting for your Lordship's information, the copy of a letter which has been addressed to this Department by a Mr. King who appears to have had in contemplation similar objects to those of Mr. Farewell and whom I had promised to recommend to your Lordship's notice in the event of your considering the proposal as deserving of attention. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the Assistant Colonial Secretary to the Landdrost of Swellendam.

COLONIAL OFFICE, 23*rd September* 1824.

SIR,—I am directed by His Excellency the Governor to acknowledge the receipt of your Letter dated the 7th Instant, enclosing with reference to mine of the 26th Ultimo an Estimate of the Stock of Furniture required by H. H. Fouché to relieve

him from Distress with a list of his Petty Debts, amounting together to Two Thousand Six hundred and Ninety Two Rix Dollars and One Skilling, and to acquaint you for the information of the Memorialist that His Excellency has accordingly authorized this Sum to be advanced on his account to the District Agent from the fund drawn from England for the relief of the distressed Inhabitants of this Colony.

His Excellency however deems it necessary that you should be aware of the terms upon which this advance is made to the District, and he therefore directs me to transmit to you for your guidance in issuing the same Copies of the Correspondence held with the Magistrates of the Districts upon which great distress was brought by the calamitous Storms of 1822 and to which advances were made for the relief of suffering Individuals.

I have &c.

(Signed) P. G. BRINK.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *24th September* 1824.

MY LORD,—I have received your Lordship's dispatch No. 91 of the 21st May stating that in concurrence with His Majesty's Commissioners of Enquiry you had appointed a Commission for the purpose of adjusting all matters at issue between the Government and the Settlers as well as for arbitrating if possible all cases in litigation between Individuals, it being considered that the time which must necessarily be occupied in making a fair and equitable adjustment of each case would preclude the local Magistrate from effecting it or cause so great an hindrance in carrying on the ordinary business of the District as to occasion serious inconvenience to the public. And I do myself the honor to acquaint your Lordship that under the circumstances which occasioned the appointment of this Commission, the measure meets the approbation of His Majesty's Government. I have &c.

(Signed) BATHURST.

[Copy.]

Certificate of MESSRS. BAILEY, POLEMAN, AND TREDGOLD.

CAPE TOWN, *September* 24, 1824.

We the undersigned having examined the Certificate and Documents of Mr. C. F. Liesching are of opinion that it by no means entitles him to an examination, or to practise as an Apothecary, Chemist and Druggist; all certificates on which Licences have been hitherto granted have been obtained from some College or constituted authority in Europe.

(Signed) SAMUEL BAILEY, Surgeon R.N.,
P. H. POLEMAN,
J. H. TREDGOLD.

[Copy.]

Letter from the Colonial Medical Inspector to the Acting Colonial Secretary.

24th September 1824.

SIR,—I have the honor to acknowledge the receipt of your Letter of the 21st Instant with its enclosures, and in reply beg to say that Sir John Truter, the Chief Justice, can in no wise be a judge or lay down the Laws respecting the Medical Profession in any of its Branches.

The Medical Practice at the Cape before the Government of Lord Caledon was very low indeed. His Excellency was pleased to place the profession immediately under the restrictions and Laws of England.

Sir John Cradock and Lord C. H. Somerset continued the same, and the Medical Profession is at this period become tolerably respectable. However there is not one instance since 1807 of any person being recommended to be allowed to practise, in any of the Branches of the Medical Profession, who has not been regularly educated in some part of Europe. The Cape is not a School of Medicine, neither Chemistry, Pharmacy, Botany, Anatomy, nor in short any of the necessary Sciences are taught in the Schools here, in fact there are no professional

acquirements emanating from the Cape Instructions. Therefore it becomes absolutely impossible for any person to procure a Medical Education at the Cape. The Apothecary, Chemist or Druggist taken either individually or collectively may and should be considered the most important Branch or Branches of the Profession. The Physician, the Surgeon and the Patient, are totally at the mercy of the Apothecary, Chemist and Druggist. Therefore the English Medical Profession is guided by the most rigid Laws, and these Laws positively exclude Mr. Liesching.

In the first place Dr. Liesching is neither Chemist or Druggist, but Physician, accoucheur and apothecary. Messrs. Rimrod and Engles have been allowed to practise from their professional Documents obtained in Europe.

I have assembled a Medical Board, the result of which I send for the consideration of His Excellency the Governor, and in conclusion I beg most distinctly and decidedly to state that I can by no means recommend that Mr. C. F. Liesching be permitted to practise as Apothecary, Chemist and Druggist, in this Colony, besides I do think that permitting any Persons (and there are many similar and greater claims than Mr. C. F. Liesching) to practise, who have not been regularly educated, would be the greatest injury that can be done to the Medical Profession.

(Signed) JAMES BARRY, M.D.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *25th September* 1824.

MY LORD,—In reply to your Lordship's dispatch of the 25th of May accompanied by a letter and Enclosure from the principal Inhabitants at Port Elizabeth, Algoa Bay, respecting the erection of a Church at that place, and the appointment of an officiating Clergyman, I do myself the honour of acquainting your Lordship that in the event of the Inhabitants of Port Elizabeth being able to collect sufficient funds to effect that

desirable object, I shall have no objection to authorize the appointment of a Clergyman, to be paid out of the Colonial Funds, with a view to the performance of the necessary duties of Religion in that part of the Settlement. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 27*th September* 1824.

MY LORD,—At the request of the Ambassador of the Netherlands, I have to desire that your Lordship will cause the accompanying Judicial document to be served upon Mrs. A. A. J. Kuckles widow of J. H. Pfeil. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 28*th September* 1824.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatches of the numbers and dates noted in the margin detailing the proceedings which had taken place with respect to the Duplicate of a Memorial from Mr. Launcelot Cooke preferring charges of misconduct against Mr. Blair, the Collector of Customs, with regard to the treatment of apprenticed Negroes, and which Memorial was transmitted to your Excellency by Mr. Edwards a Notary Public, for the purpose of being forwarded to the Lords Commissioners of His Majesty's Treasury.

No. 75—27th February 1824
„ 92—21st May „

Your Excellency acted with very proper consideration in communicating to Mr. Blair the accusations which had been made against him to the Lords Commissioners of the Treasury,

and as you were apprised that a Memorial containing these accusations had been already forwarded by Mr. Cooke you might not have thought it necessary to forward the copy of it, which had been transmitted to your Excellency; but as you have not stated in what manner these accusations were published in the Colony I am at a loss to understand upon what principle the prosecution for a libel was directed, unless your having communicated that Memorial to Mr. Blair were to be considered as a Publication, in which case your Excellency will perceive that you were yourself the Publisher.

Had your Excellency in the first instance directed a Committee of Enquiry, into the charges which were brought against Mr. Blair, it might have been a course of proceeding very satisfactory to Mr. Blair's wounded feelings, and would have furnished useful information to the Lords Commissioners of the Treasury, whose Officer Mr. Blair is, and by whom therefore his conduct is to be judged. But as your Excellency directed Mr. Cooke to be prosecuted before you appointed the Committee of Enquiry, Mr. Cooke was fully justified in refusing to attend the Committee, and the more so as he proposed to reserve for the Court of Appeal the Evidence by which he would, as he stated, be able to justify his accusations.

If in point of fact, no opportunity was open to him either in the original prosecution or before the Court of Appeal to produce such evidence, he still was justified in not appearing before the Committee of Enquiry when once the prosecution had been instituted against him; but it makes the proceeding of such a prosecution still more deserving of explanation.

It does not appear whether your Excellency directed Mr. Edwards to be prosecuted for drawing up the Memorial, at the same time that you directed the prosecution of Mr. Cooke. As I understand your dispatch Mr. Edwards appeared before the Court only as Mr. Cooke's legal Adviser, and it was in consequence of his conduct before the Court that he was imprisoned for a contempt.

As he seems to have acted merely in his professional character, and expressly states so in his letter to your Excellency, he must have done some other acts with which I am wholly unacquainted if there was any prosecution directed against him for having drawn up the Memorial, and in that event your Excellency

will lose no time in communicating to me all the reasons which induced you to give such a direction.

Your Excellency will observe in the enclosed representation which I have received from Mr. Edwards that he complains of his imprisonment having been accompanied with acts of unnecessary restraint and severity; and I have to instruct you to give directions that a report shall be made upon the truth of this complaint. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *29th September* 1824.

MY LORD,—I have had the honor to receive your Excellency's Dispatch of the 21st of May last, enclosing two letters which had been addressed to you by Mr. Edwards, in consequence of which you had directed that person to be prosecuted for a libel.

I remark however, that your Excellency does not state whether these letters were ever published by Mr. Edwards, nor do you mention any particulars of his conduct during his trial, which you state to have aggravated tenfold the measure of his offence and to have brought down upon him the heavy sentence which has been pronounced by the Commissioners of the Court of Justice.

Under these circumstances, I should have contented myself with instructing your Excellency to suspend the execution of this severe sentence, until the whole of the proceedings were placed under my consideration; but as Mr. Edwards has it in his power to make two appeals, one to the full Court, and eventually to the High Court of Appeal; and as the sentence of the Commissioners may be reversed or essentially modified by one or the other of those Courts, I have only to express my desire, that I may be more fully informed of all that has passed in the trial which has produced a sentence so severe.

I have further to instruct your Excellency that in the event of the sentence not being reversed or modified by the

Courts, or remitted by you, you will suspend its execution until I shall have had an opportunity of considering all the circumstances of the case. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 29*th September* 1824.

MY LORD,—Having remarked in one of the papers enclosed in your Excellency's dispatch of the 21st of May, some allusion to the case of a Mulatto who was judicially condemned to a fine of Thirty Rix Dollars for having pursued and assaulted a female, I have to express my desire that your Excellency will obtain from the Law Officer of your Government and transmit for my information, a report of the proceedings which were had in the case in question. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MR. R. HARRIES *to* R. WILMOT HORTON, ESQRE.

51 LIME STREET, 29*th September* 1824.

SIR,—The latter end of last month I received a Letter from my Relation Mr. Thomas Philipps a Settler of Albany Cape of Good Hope under date of the 10th May last informing me that he had taken the liberty of addressing you on the subject of a proposal to import into that Colony a certain number of Irish Labourers, for the transport of whom if I am rightly informed an annual Sum has been granted by Parliament.

If it should be the pleasure of My Lord Bathurst to entertain the proposal of Mr. Philipps I hope it will not be considered as trespassing too much on your valuable time to allow me the favor, which I now solicit, of a conference with you on the subject. I have &c.

(Signed) R. HARRIES.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *30th September* 1824.

MY LORD,—I deeply regret that it has not been in my power to forward to Your Lordship at an earlier period the returns called for by Your Lordship's Dispatch of 24th June 1823, No. 63.

On the receipt of that Despatch the Inspector of Lands and Woods, Mr. D'Escury, (in whose department it laid) was directed to furnish the Returns, when after many months delay he substituted Returns taken from the Opgaaf Rolls of each District (calculated entirely to mislead). I was therefore necessitated to require Returns from the Landdrosts of the respective Districts, and trust that those I have now the Honor to transmit may meet the object Your Lordship has in view. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[A thick volume contains nothing but the enclosures in this despatch, consisting of particulars of every grant of land made in the colony from 1814 to 1823. It must be unnecessary now to have these complicated lists printed: copying them alone for that purpose would occupy many months. The following document among them is, however, given.—G. M. T.]

Return shewing the Extent of New Ground brought into Cultivation in the undermentioned Districts since the year 1814 to 1823 inclusive.

District.	Number of Morgen.	Remarks.
Cape . . .	3,500	A Morgen is generally reckoned equal to Two Acres English, but the true proportion is considered to be $49\frac{71}{100}$ Morgen to 100 English Acres.
Simon's Town. .	204	
Stellenbosch . .	5,692	
Swellendam . .	2,000	
Uitenhage . .	2,394	
Graaff Reinet . .	985	
Worcester . .	500	
George . . .	100	
Albany . . .	1,190	
TOTAL . .	16,565	

The above is merely a Statement of the New Land brought into cultivation in the period above alluded to; but it is to be observed, that Tracts fit for the rearing of Grain are only partial as well on account of the Soil as of the general remoteness from a Market, and the total absence of inland Water Carriage. Consequently at a distance from Cape Town no greater Extent of Land is cultivated than suffices to raise Grain for the consumption of the local community. The inference therefore that the New Land has not been rendered useful must not be drawn from the small increase of Cultivation that is apparent, as from the causes above stated they are generally appropriated to the grazing of Horses and Cattle; the severe visitations of Blight generally or partially during four successive Harvests have tended also to deter Farmers from speculating further than is absolutely necessary in the cultivation of Grain.

Cape of Good Hope, September 30th 1824.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 30*th September* 1824.

MY LORD,—I have the honor to enclose to Your Lordship Copy of a Receipt from the Officer at the Head of the Commissariat on this Station for £737 14*s.* 3*d.* Sterling, being the interest due up to the 4th Ultimo according to the accompanying Statement on £35,097 10*s.* 7*d.* Sterling drawn at the Periods therein specified on the Lords Commissioners of His Majesty's Treasury agreeably to Your Lordship's authority to that effect, the Interest at five per Cent per annum being calculated from 3 Months subsequent to the respective days of drawing. I have to add that the Interest upon the sum drawn will be regularly paid over to the Commissariat every Six Months as it becomes due. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *30th September* 1824.

MY LORD,—In reply to Your Lordship's Despatch of the 27th March last, No. 92, I have the honor to inform Your Lordship that there are at present two vacancies in the established Dutch churches in this Colony which it would be extremely desirable should be filled as early as possible.

From the communications I have had the Honor to receive from Your Lordship, I have reason to expect the arrival of Mr. Fraser and Mr. Morgan. There are two of the Gentlemen of the Dutch church, the Revd. Mr. von Manger and the Revd. Mr. Borcherds, who are advanced in age and somewhat infirm, and it is possible that they may at no very distant Period solicit retirement; I do not anticipate a probability of other Vacancies. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 1*st of October* 1824.

MY LORD,—I feel it a Duty I owe to the professional Character of the Officer (Major Somerset of the Cape Cavalry) who has commanded the Military Force on the Frontier of this Settlement since that Command devolved upon him by the demise of Lieut. Col. Fraser on the 19th of October 1823, to transmit to your Lordship a Copy of a Memorial which I lately received from the whole of the respectable Proprietors of Places in the Baviaans River in the Sub Drostdy of Cradock, a tract which has for a long period suffered more than any other from the inroads of the Kaffers, but which is at this moment in a state of Security and tranquillity, and which fortunate position the Inhabitants attribute (and in my opinion justly) to the active and judicious measures of the Commandant.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Humble Petition to His Excellency the Right Honble. Lord Charles Henry Somerset.

We the undersigned Burghers of the Baviaans River having learnt to our Sorrow that directions have come that His Honor Major Somerset will quit his Situation as Commandant of the Frontier, and as we have great Satisfaction in saying that since His Honor's Commandantship we have lived here in much more Security against the attacks of Kaffers, and no longer so often plundered by them of our Cattle, as His Honor succeeded thro' his experience and knowledge in bringing it so far as to keep them in Subordination and awe, thereby taking care of us as a Father, for Major Somerset never cares about risking his own person to afford us every possible assistance against this unbridled and bloodthirsty Nation.

So it is our humble and very respectful request to His Excellency to retain Major Somerset as Commandant of the Frontier as we find ourselves quite secure and happy under his Protection.

With this for us very great and favorable hope, we have the honor to subscribe ourselves

His Excellency the Right Honble. Governor

Your Excellency's most humble Servants

J. A. Botma,	C. F. van der Nest, Field Cornet,
L. C. Botma,	P. R. Erasmus, Field Cornet,
P. R. Botha,	G. Engelberg,
J. J. Jacobsz,	J. J. C. van der Sande,
J. H. de Lange,	H. de Bruyn,
K. J. Klopper,	J. H. Ingelbrig,
A. F. Botha,	G. K. S. Ingelbrig,
T. L. Botha,	W. A. M. Ingelbrig,
W. S. Humphreys,	S. Prinsloo,
W. J. Prinsloo,	B. Labuscagne,
B. J. de Lange,	J. G. Prinsloo,
H. F. Prinsloo,	H. Prinsloo,

H. B. KLOPPER,
R. ROBISON,
J. H. VILJOEN,
G. C. BOTMA,
G. J. J. VAN DEENES,
W. C. J. GREUNING,
J. A. BOTMA, Ason,
A. S. GELBREGT,
W. BOTHA,
J. C. VAN DER BURG,
J. MCLEOD,
P. J. FOURIE,
P. VAN WYK,
N. SNYMAN,
S. L. RUCKERT,
A. C. GREYLING,
B. C. GREYLING,
P. BRITS, Senior,
L. J. DELPORT,
L. J. ERASMUS
A. ERASMUS,
M. PRINSLOO,
W. PRINSLOO,
W. R. BOTHA,
J. T. PIETERSE,
G. VAN DER MERWE,
J. A. VAN DER MERWE,
P. H. OPPERMAN,
G. R. OPPERMAN,
H. B. KLOPPER, Senior,
A. C. BOTMA,
W. N. PRINSLOO, Senior,
W. PRINSLOO, Junior,
C. PRINSLOO,
G. C. OLIVIER,
S. DE BEER,
J. A. GREYLING,
D. J. ERASMUS,
P. DELPORT,
B. ERASMUS,
P. E. ERASMUS,
B. C. ERASMUS,
J. ERASMUS.

A true Translation.

(Signed) J. DE SMIDT.

GRAHAM'S TOWN, 30*th August* 1824.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY *to* EARL BATHURST.

CAPE TOWN, CAPE OF GOOD HOPE,
2*nd October* 1824.

MY LORD,—In transmitting to your Lordship the enclosed copies of two memorials that we have received from the English and Dutch Inhabitants of the Albany District, we do ourselves the honor to explain, that we at first intended to have noticed them in the general report that we were about to

forward to your Lordship upon the affairs of the Emigrant British Settlers. The delay that has occurred in the completion of that report has however induced us to consider that we should not be justified in withholding from your Lordship these addresses from the Inhabitants of Albany, who are most interested in the question, and who have expressed so strongly their wish that Major Somerset should be confirmed in the command which he has exercised during the last twelve months over the Troops stationed on the Frontier.

During our late tour we visited the several posts along the Frontier in company with Major Somerset, and held conferences with some of the Caffre chiefs, when we had an opportunity of observing the zeal with which the Troops discharged their harassing duties under the vigilant superintendence and example of Major Somerset, and the confidence and respect with which his conduct had inspired the Caffre Chiefs. It has appeared to us of much importance to the maintenance of amicable relations with the Caffres, that such an understanding should prevail, and which the frequent relief of the Officer Commanding the Troops on the Frontier might be calculated to disturb. On these grounds, it is probable that the Settlers have been so urgent in their desire that a permanent Commandant should be appointed, as it is their experience of Major Somerset's zealous exertions and of his local knowledge that has prompted their desire for his selection. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *4th October* 1824.

MY LORD,—I have been honored with Your Lordship's Despatch of the 13th March last, and in compliance with Your Lordship's commands contained therein I have the honor to enclose detailed explanations of the Items of contingent

Expenditure transmitted in my Despatch of 2nd September 1823, which I trust will be satisfactory to Your Lordship.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[It is unnecessary to give these explanations. The Items appear in the Expenditure Returns for 1823.—G. M. T.]

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *4th October* 1824.

MY LORD,—I lost no time on the receipt of Your Lordship's Despatch dated the 9th July 1823 in calling upon the several Magistrates of the Districts for the information required by Your Lordship relative to the existing state and deficiency of the Establishment for religious Instructions and for education in this Colony, and I have now the honor to transmit herewith answers to the Questions proposed on this subject by Your Lordship.

Question 1st. What is the number of places of Religious Worship within the Colony of all denominations of Christians ?

Answer. Forty Nine.

2. What number of Slaves habitually attend Divine Service at those places ?

Answer. Two Thousand Two Hundred.

3. What is the greatest number of persons who could without mutual inconvenience attend at the existing Churches or Chapels ?

Answer. Eighteen Thousand Seven Hundred and Thirty-nine.

4. If sufficient room were provided, and if the Sunday were exclusively appropriated to Religious Services, what number of Slaves could conveniently be spared from the necessary engagements of domestic life for attendance at Public Worship ?

Answer. Nine Thousand Five Hundred and Sixty-Four.

5. What is the probable expense of erecting and keeping in

repair a sufficient number of Churches and Chapels for the reception of all who could conveniently attend them ?

Answer. Four Hundred and Sixty-Two Thousand Five Hundred Rixdollars for erection, and Eighteen Thousand Nine Hundred and Fifty Rixdollars annually for repair, about £33,035 for erection, about £1353 for repairs.

6. What is the number of Schools at present in the Colony, and the number of Children habitually attending them, distinguishing Sunday Schools and Schools of every description ?

Answer. Three Free Schools, Nine Sunday Schools, and One Hundred other Schools, and Three Thousand Nine Hundred and Forty-Six Children attend them.

7. What is the number of uneducated Children of every description in the Colony under the age of fourteen years ?

Answer. Thirty-three Thousand Two Hundred and Fourteen.

8. What number of Clergymen, Schoolmasters, or Catechists would be required for the religious instruction and education of the whole population whether free or Slaves ?

Answer. Thirty-five Clergymen, and One Hundred and Sixty-three Teachers and Catechists.

9. What expense would probably be incurred in providing an adequate maintenance for that number of Clergymen, Teachers, and Catechists ?

Answer. One Hundred and Sixty-Nine Thousand Rixdollars annually, about £12,021 Sterling.

10. What proportion of the expense attendant on the erection of Churches, and the instruction and education of the people will the Colony itself be able to sustain ?

Answer. Eight Thousand Rixdollars, about £571 Sterling.

And lastly. What is the proportion of that expence which must be supplied from other sources ?

Answer. The remainder must be defrayed from other sources. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from MR. THOMAS PRINGLE *to the* COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *October 5*, 1824.

GENTLEMEN,—By Communications which I have lately received from the party of Settlers on the Baviaan's River (of whom I had formerly the honor to be the nominal head or representative) I perceive that they are a good deal disheartened by finding that there exists a charge against them in the Commissariat Accounts of upwards of 2000 Rds. for Stores and Rations furnished by Government. I beg leave therefore respectfully to solicit your consideration of their case, and if consistent with your duty, your weighty recommendation to have this debt remitted by His Majesty's Government.

The claims of the Party to such an indulgence may be briefly submitted on the following grounds. In the first place I am satisfied that had the 2nd and 3rd Instalments of Deposit Money been repaid in Cash at the periods originally prescribed in Earl Bathurst's Circular, our Party could have supplied themselves with Provisions and especially with Cattle on more moderate terms than they could be furnished by the Commissariat. In the former case we could have purchased Sheep and Cattle readily and cheaply from our African Neighbours, in place of receiving them at a high price and inferior in quality from the Government Farms. We were sensible of this from the beginning and declined receiving any Rations except flour and Seed Corn until the pressure of our neighbours from the failure of Crops and the long protracted delays in regard to the Settlement of the Commissariat Accounts induced us to accept of the complete quota of Rations allowed by the Government. The distance and difficulty of conveying this Flour and Corn also greatly added to the expense, and the party after all their frugality and industry are now dismayed by finding their allotments mortgaged for so large a debt in addition to the deposit Money detained to the amount of £100 Sterling.

Neither they nor I are disposed however to solicit the remission of this debt on the ground of any inattention or

remissness on the part of the Functionaries or Servants of Government. On the contrary though some of the general arrangements may have borne hard upon them as well as others, I have the pleasure of praising in almost every point the attention and considerate kindness of the local Agents and authorities; and I desire to rest this application exclusively on the grounds of the manifold and depressing disappointments the party has endured, and I may add I hope without presumption on the industry, patience, and perseverance by which they have endeavoured to surmount them.

Having of late found myself imperatively called upon by peculiar occurrences to convey to you (with the confidential frankness your honorable Commission demands) very severe strictures on particular points in the recent administration of the Colonial Government, I now turn with far more pleasant feelings to speak of its conduct towards my party and myself as settlers with almost unqualified approbation.

Nor is this acknowledgement due from me to one or two individuals only, or to persons with whom I had the pleasure of a private acquaintance, but to the Heads of the Government and the Colonial Secretaries, not less than to the Local Functionaries. From the day of our first arrival on the Location down to the present time, our party has experienced from the Local Authorities of the District, viz. the Landdrost of Graaff Reinet and Deputy Landdrost of Cradock, every possible attention to their comfort, safety, and success. And it is also my duty to state, (nor shall any recent personal annoyances prevent me from freely and fully stating it) that His Excellency Lord Charles Somerset has continued towards the Scotch Party the same friendly support and encouragement which they constantly experienced from the late Acting Governor and from the Colonial Secretaries Mr. Ellis and Colonel Bird. All this will be sufficiently illustrated by the Extracts which I have selected from my official correspondence with the Colonial Authorities, and which you will find subjoined in an appendix.

I have particular satisfaction in this opportunity of mentioning that no Individual of this Party has ever had occasion to prefer a complaint against any of the Colonial or Provincial Authorities (excepting the one or two slight instances which you will discover in the annexed correspondence) nor has there

ever, so far as I know, been the slightest expression of dissatisfaction on *their* part in regard to the conduct of the Party. The cause of this mutual good understanding (so different from what has generally prevailed between the Authorities and Settlers in Albany) I am inclined to ascribe chiefly to the character of the Local Magistrates, from whose Reports the Heads of the Colonial Government doubtless derived in a great measure their first impressions respecting the character and conduct of the Settlers. The Landdrost of Graaff Reinet and Deputy Landdrost of Cradock were men of sense and feeling, and prompt and active in their duty, which is more than can be said I fear of the generality of those to whose official charge the Albany Settlers have been unhappily confided.

Having thus expressed what I felt to be justly due to the authorities, I may say I hope without impropriety or partiality, that the conduct of the Scotch Party has not been altogether undeserving of the favor and encouragement they have experienced; and that having conducted themselves blamelessly and quietly, having exerted themselves in the improvement of their allotments industriously and perseveringly, having not only defended their own property, but lent occasional aid to their Neighbours, having nearly kept up their original numbers in spite of many calamities and discouragements from the unfavorable seasons and the unsettled state of the Frontier, having sunk or invested all the little property they possessed on their Locations, having amidst the general cry of distress and despair in other quarters retained their confidence of final success and even invited their relations from Scotland to join them, having not neglected the "few talents" entrusted to them, I humbly solicit you in their name to exert your influence in procuring for them a free remission of their debt to Government, and also the continued support and furtherance of His Majesty's Government towards the establishment and enlargement of their settlement.

I shall say nothing of losses, for they had not in truth much to lose; I for my own part frankly acknowledge that I arrived on the Location almost without a dollar in Money, and that all my property did not exceed the value of £100 Sterling. But I really did not expect to farm on my own account, and never professed to have funds of my own to establish the party; I

was merely the original Collector and their nominal Representative. The whole property of our party in fact on their leaving Scotland scarcely amounted to £1,000 Sterling. The greater part of this was expended in preparations for the enterprize, and a large sum by our unexpected detention in London and by other unavoidable expenses, so that when we arrived on the location I believe there was not a thousand Rixdollars of cash among the whole of us. I state this for your information merely, neither wishing to claim compensation for the loss of property, which we did not really possess, nor to excite your sympathy for distresses which we have not endured.

I could enter with much pleasure, and perhaps not without advantage, more minutely into the history of our Settlement, but time and circumstances will not allow me. I write this hurriedly on the eve of setting out on a journey into the Interior, and I have merely time to recommend my friends and Party on the Baviaan's River to your consideration.

For further or more impartial information I refer you with confidence to the Local Authorities of the District where the party are located, and I shall be still more particularly gratified should it be practicable for the Civil Commissioner appointed by the Colonial Government, Mr. Hayward, to visit the Location and impartially investigate their conduct and their claims.

In conclusion I beg to say that tho' I have felt it my duty thus to address you on behalf of my party and my kinsmen, I have not in reality any claim to be now considered as their representative; my responsibility in that capacity having been by the consent of the Colonial Government transferred to my elder Brother, Wm. Pringle, on my leaving the Party and the Location in 1822. On this account only have I declined signing the Commissariat Accounts for the debt of the Party to the Government, sent to me (I presume by mistake) some months ago, and which accounts I have transmitted to the Location. But I do not the less on this account feel a deep interest and affectionate concern for their Welfare, and having had a principal share in inducing them to emigrate to South Africa, I feel myself pledged to further to the utmost of my [redacted] interests and their happiness.

Z

In recommending them to your consideration I trust I have fully fulfilled this object, and have only to refer you to the appendix, and hastily subscribe myself with the highest respect, Gentlemen &c.

(Signed) THOS. PRINGLE.

P.S. I regret to add that the young Crops of the party at Baviaan's River have been this season repeatedly eaten down by the swarms of Locusts now prevailing in that quarter, and a favorable issue seems on this account very precarious.

T. P.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *October 8th* 1824.

MY LORD,—Not having been honored with any Reply to a Despatch I did myself the honor to address to your Lordship on the 20th May 1823 No. 39, I am under some apprehension that it has miscarried, I therefore take the liberty of transmitting a Copy of it.

I did not intrude the Subject of that Despatch upon your Lordship without the strongest conviction of its necessity as well as of its justice. The Public Officer in whose favor I pleaded experiences daily the inadequacy of his remunerations, and the calls upon his Hospitality are so frequent and burthensome as well as unavoidable, that I cannot refrain from again urging your Lordship very earnestly in his favor, and I trust that the Encrease proposed (particularly as I forbore to entertain his claim to compensation) may take date from the 1st April 1823 as suggested in my Despatch. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from LAND SURVEYOR KNOBEL *to* JOHN GREGORY, ESQRE.

CAPE TOWN, *8th October* 1824.

SIR,—In compliance with your Letter dated 5th Instant I beg leave to enclose to you Copies of two Letters from the Landdrost of Uitenhage to me, dated 22nd November and 26th December 1819, the latter with the enclosures belonging thereto, containing the Original Instructions to me to proceed to the Survey of the locations, and I beg leave to state that with regard to the further Survey of the Locations as to situation and extent I have only been guided by the arrangements made either in the Colonial Office on the Original Distribution Lists or by the Landdrost of Uitenhage, Lieutenant Colonel Cuyler, in consequence of those Distribution lists, and the Verbal Communications of Captain Trappes and Major Jones, having had no written instructions on that head excepting those contained in two Memorandums given by His Excellency the Acting Governor when at Bathurst respecting some particular cases, of which Memorandums I beg leave to enclose extracts. I have &c.

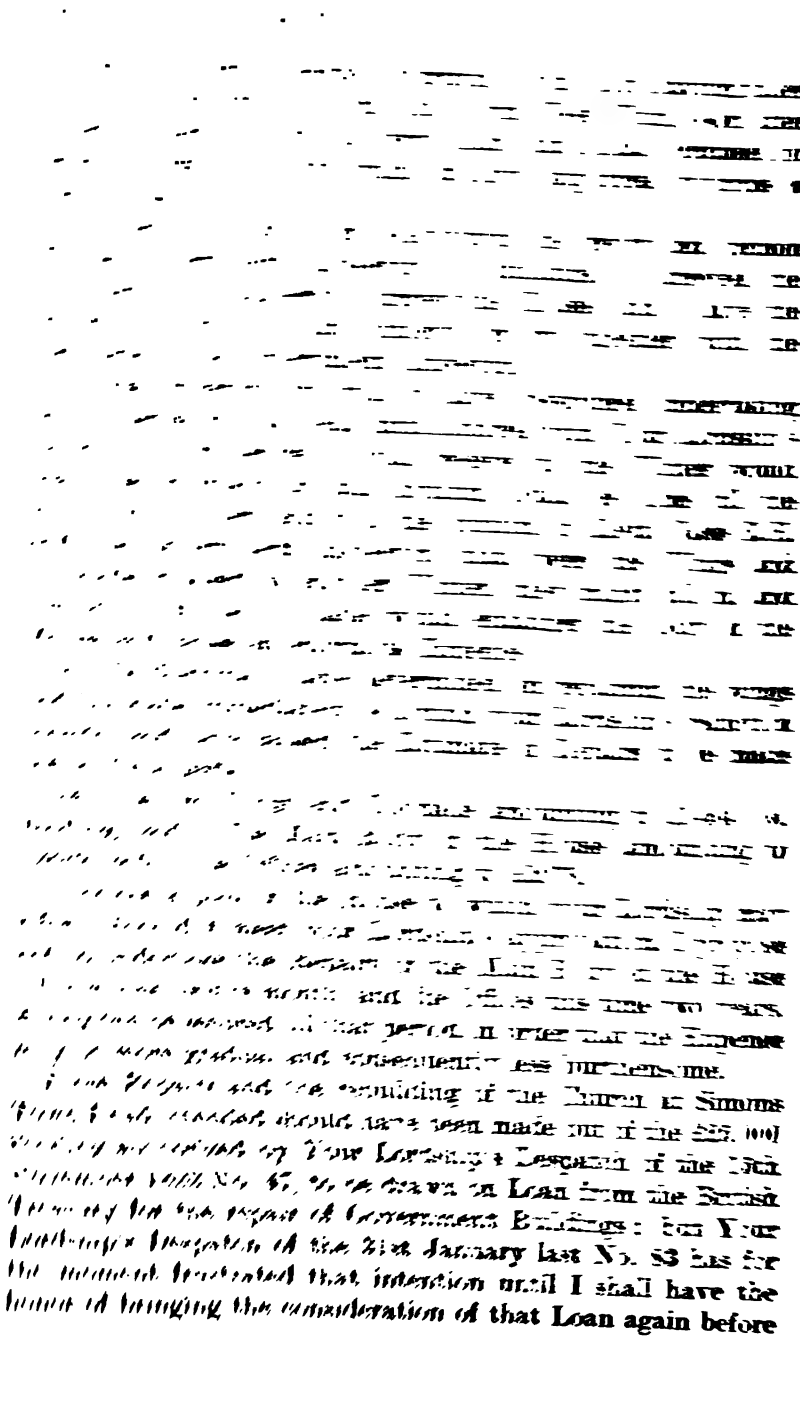
(Signed) J. KNOBEL, Government Surveyor.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *October 9th* 1824.

MY LORD,—It is with much concern that I am compelled to communicate to your Lordship the dilapidated State of the Government House in Cape Town. It has been built upwards of 60 years and has never undergone a thorough repair, which has been postponed from time to time from an unwillingness to trench upon the Funds of the Colony. It suffered greatly by the storms in 1822 and the subsequent Winters, and the Roof and Timbers are now become so decayed as to render parts of it dangerous to inhabit, indeed only a short time since I had



Your Lordship, which as soon as I have gone thro' the Subject fully with His Majesty's Commissioners of Inquiry (as directed by Your Lordship) I shall have the honor to do; but which has hitherto been delayed from the great pressure of more important matter upon the time of those Gentlemen.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

ROYAL ENGINEER OFFICE, CAPE TOWN,
20th September 1824.

MY LORD,—Prior to the execution of the general repairs of the Government House, I have the honor to suggest to Your Excellency's consideration the necessity of commencing immediately on the repairs of the rooms comprising the right and left Wings; the extremely bad state of which, and the temporary expedients that have been resorted to for supporting the roofs, rendering them extremely inconvenient and scarcely habitable, together with the danger that attends their being occupied even with the means that have been resorted to, to secure them.

I have in obedience to your Excellency's directions examined the papers on which the Inspector of Government Buildings has founded his Estimate and have discovered nothing incorrect.

Your Excellency has expressed your desire to defer the repairs of the Body of the House until after the next Winter, in case it might be considered safe to do so, but I would recommend the repairs of the Right and left Wings being commenced as early as possible. I have &c.

(Signed) COWPER ROSE, Lieut. Royal Engineers.

[Enclosure 2 in the above.]

Report of the present State of repairs required to the Government House, Cape Town.

The N.E. and S.W. Wings in front of the Buildings being found in so dilapidated a state as to require Temporary Shores to be fixed on

the inside to support the roofs and prevent them falling in, part of the Walls having also given way so as to require to be pulled down and rebuilt, the timber, sashes, frames, doors and floors being so generally perished as to require to be entirely new, Expences Estimated at	£1464 10*s.*
The Main Building requiring an entire new Roof, new sashes, frames and doors, generally, great part of the floors and Ceilings require to be new being so decayed and worn out, the Expence of which is estimated at . .	2689 0
The S.W. Wing of the back front with all the range of offices adjoining require entire new roofs and nearly in the same state of decay generally as the main Building including the out offices, Laundry, Washhouse, Dairy and Wood Shed &c. &c. The repairs are estimated at	2078 0
Total	£6231 10*s.*

(Signed) W. JONES, Inspector of Buildings.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY *to* EARL BATHURST.

CAPE TOWN, 10*th October* 1824.

MY LORD,—We had the honor of transmitting to your Lordship by the *Cambridge* which sailed on the 14th inst. our report upon the grants of land made by His Excellency Lord Charles Somerset to Mr. Redelinghuys, and which your Lordship had directed us to investigate.

Since the departure of that ship we have received by the mail from Clanwilliam two letters, of which we think it important that attested translations should be transmitted without delay for your Lordship's information.

They consist of a letter addressed to us by Mr. Redelinghuys

since his return to the Hantam enclosing an original letter that had been written to his wife by the late Mr. Jacob van Reenen, whose concern in the negotiation for the purchase of the Sorcerer Colt and for the grant of the Hantam estates was the subject of Mr. Bailey's evidence.

We were quite unaware of the existence of such a document, and had no reason to expect any further communication from Mr. Redelinghuys, but as it has arrived since the transmission of our report, we take the earliest opportunity of forwarding it to your Lordship.

Mr. Van Reenen's letter was written nearly two months after the purchase of the Sorcerer Colt by Mrs. Louw, and proves that he had advised her to make the purchase of a Stallion from the Governor. It also shews that this transaction, and the negotiation for the grant of her lands at the Hantam, in both of which he had interested himself, were so far considered and discussed together by Mr. Van Reenen as to support the opinion that we declared to your Lordship of the prevalence with the Dutch and native Inhabitants of a habit of combining the consideration of public and private affairs. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Enclosure 1 in the above.]

GEMERKTE CAREEHOUTE BOOM,
HANTAM MOUNTAIN, 1*st October* 1824.

GENTLEMEN,—Looking over my papers yesterday I found the enclosed letter from the late Mr. Jacob van Reenen Jan's son addressed to my wife then the widow of Jacobus Louw, from which letter you will be fully convinced of what I and my wife told you; namely that Mr. Jacob van Reenen was the man who acted for my wife, at that time a widow.

I therefore have the honor to forward it for your information, respectfully requesting it may be returned me. I have &c.

(Signed) J. N. REDELINGHUYS.

To His Majesty's Commissioners of Enquiry.

[Enclosure 2 in the above.]

DROOGE VALLEY, 12*th January* 1818.

DEAR FRIEND,—With very great satisfaction I learn by your letter that you have purchased the Stallion from the Governor, and followed my well meant advice which will convince you that I take a real interest in your welfare, and that I have used every endeavour and trouble to do justice to your affairs and promote your Interest, in which I have succeeded. I have no doubt but that your object and wishes with regard to your places will be accomplished, and that you will enjoy in future peace and tranquillity. I have not scrupled to make the Governor circumstantially acquainted with the characters of your persecutors, and at the same time mentioned what a vagabond Okhuyzen is, who if Bergh had not bought horses from him would have already mounted the scaffold, and ought to have done justice to me; but I have sufficiently made known his conduct to the Governor which was attended with very good consequences; not doubting but what I have acted according to your wish and desire, and I shall be still ready at all times to serve you.

May I also request that you will be so kind as to inform me by the first good opportunity, when it will be best for me to send for, and select the thousand Spanish Ewes I bought from you, and in what state or condition your sheep are at present, and whether I shall be able to fetch away the sheep towards the latter end of March, when it will be most convenient to me, for I think I shall then be finished with treading out my grain, and can send a couple of slaves, but I shall wait for your answer in this respect, confident that you will act sincerely and well with me.

With friendly greetings to you and your dear family, I subscribe myself Always your affectionate friend,

(Signed) JACOB VAN REENEN, JAN'S son.

To Mrs. the Widow Jacobus Louw.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *October 11th* 1824.

MY LORD,—In a confidential Letter I took the liberty to address Your Lordship on the 18th July last, I mentioned the evil consequences I apprehended to this Government from the hostile influence of Mr. (or Doctor) John Philip, the Representative of the London Missionary Society here. A few days subsequent to that period, this man commenced a Correspondence with me (Enclosure No. 1) claiming for his Constituents the printing presses that had been Seized and Sealed in the case of Greig.

It will not escape your Lordship's observation, that Dr. Philip made no representation on this subject until Greig had left the Colony, although his departure had been pending many weeks, and that the real or pretended Receipt of Greig for the presses has no date; in short, the whole is a contemptible prevarication.

Dr. Philip mingles himself in everything that can give him Political Influence. He therefore constituted himself the leading man at the Society for the Relief of distressed Settlers, and at the Annual General Meeting, held on the 18th of August last, brought forth a foul and calumnious charge against the Landdrost of Albany, and was supported by his adherent H. E. Rutherfoord (a Shopkeeper here). I took the most prompt measures to elucidate this serious charge, and Your Lordship will perceive by perusing the correspondence that occurred, Enclosure No. 2 (particularly the Letters of Messrs. Shaw, Baillie, and Godlonton) not only how grossly false and unfounded Dr. Philip's attack upon the Character and Humanity of the Magistrate of Albany was, but how contemptibly shuffling the Doctor's attempts were to keep back the Names of the Parties, in order to avoid investigation. Pringle, Fairbairn and the Reverend Mr. Wright (the Missionary of the Society for the propagation of the Gospel in Foreign Parts) are the chief Members of this Party, joined, I am sorry to say, by W. T. Blair Esqre., an Officer in the

Accomptant General's Office at Madras, and one or two others from the East.

In my Letter to Your Lordship of the 18th August last, I alluded to a Pamphlet published in 1815 by the Revd. Archibald Barclay a Minister of the Scottish Church, London Wall, in which Dr. Philip's conduct relative to a Mr. Rannie sets forth his real character. As I have only been able to borrow one Copy of that Publication, and as I am not certain of your Lordship's being able to procure it in England, I have had an Extract made from it and printed (Enclosure No. 3), as far as it relates to Dr. Philip, that one transaction elucidating most clearly his principles and his sense of honor and candour.

The charge against the Landdrost of Albany did not originate in any personal feeling towards the Individual; but by inserting it in the printed Transactions of the Meeting, which he sends to all parts of the Globe, the Doctor aimed at stigmatizing and bringing into disrepute the Character of this Government. I cannot but believe that the Society, who sends Dr. Philip here, would remove him to another Station, if they were aware of his conduct towards this Government, and I trust Your Lordship will be able to carry this point with them. The discontent that his late public unfounded Statement was calculated to create in the minds of a restless Community, whose prosperity has been checked by causes which no human Power could avert, will, I hope, be quite sufficient ground for such a measure. Every considerate means has been adopted by me, to establish the Settlers prosperously, and Your Lordship will forgive my sending you (as it will be some time before I shall be enabled to send my full Report) an Extract from a *private* Letter, Enclosure No. 4, which I received last week from Mr. Hayward, the Special Commissioner for investigating and settling their Claims, by which Your Lordship will perceive that things are likely to be satisfactorily adjusted.

I take the liberty of urging Your Lordship strongly again upon the subject of my Letter of the 29th October 1823, No. 58. I have received a Letter from Dr. Blomfield (now I believe Bishop of Chester) informing me that he had been fortunate enough to find a Gentleman thoroughly qualified for the undertaking in the Person of Mr. Cooper, a Tutor of St. John's College Cambridge.

The arrival of this Gentleman here, and the Establishment of the Seminary proposed, would be hailed with feelings of the deepest gratitude. At present there is no Grammar School but that kept by Pringle and Fairbairn, and it is shocking to reflect on the System that, I am told, they pursue to instil into the minds of the Youth under their charge the most disgusting principles of Republicanism, forming debating Societies amongst the Pupils and learning by heart and writing out of Extracts tending to those dangerous Sentiments.

I ought to apologize to Your Lordship for the length with which I have intruded upon you, but I feel it my duty to make Your Lordship aware of our Situation and the evil that may be produced to the Established Church in particular, as well as to the State before it has actually exploded.

Your Lordship's Despatch of the 29th May, No. 100, dismissing the Revd. Mr. Geary, I had the honor and satisfaction to receive yesterday, and have to acknowledge my thanks to Your Lordship for so satisfactory a measure. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure No. 1 in the above.]

To His Excellency the Right Honorable Lord Charles H. Somerset, Governor of the Colony of the Cape of Good Hope, Commander of the Forces, &c., &c., &c.

The Memorial of the Superintendent of the London Missionary Society Humbly Sheweth

That Mr. G. Greig in the course of last Summer received two Presses, with one small Bellows Press, with Types, &c., &c., &c. the property of the London Missionary Society, to arrange the types and put the Presses in repair.

That shortly after this circumstance, your Memorialist took a Journey into the Interior, during which time Mr. Greig commenced a Newspaper, which he appears to have printed at the Presses of the London Missionary Society.

That Shortly after the return of your Memorialist from the Interior, your Memorialist advertised these Presses for Sale in the Cape *Gazette*.

That previous to the day of Sale, the publication of Mr.

Greig's Paper was Stopt, and the Government Seals put upon the Presses.

That Mr. Greig having now left the Colony and the Presses &c. having been removed to the Colonial Office without the authority of your Memorialist, he requests that those Presses &c. be delivered up to his Order, and Your Lordship's Memorialist shall &c. &c. &c.

(Signed) JOHN PHILIP.

[Enclosure No. 2 in the above.]

Reply to the Memorial of the Reverend Dr. Philip, praying "that the Presses and Types which were used by Mr. Geo. Greig late Printer, but which belong to the London Missionary Society, and have been removed to the Colonial Office may be returned to him."

Memorialist is informed, that as the Types and Presses alluded to, were Sealed up, in consequence of the repeated abuse that Mr. Geo. Greig had made of what would now appear to have been his unrestrained possession of them and of his refusal to afford any Security to the Colonial Government, against a recurrence of such abuse, the same restriction upon the presses and Types must continue until Security be given in the Sum of Ten Thousand Rixdollars, that they will not be used in the Printing and Publishing any matter of political or personal Controversy, independently however of this Consideration, as Mr. George Greig has stated positively and unequivocally to His Excellency The Governor that those Presses and Types were his own Property and that he had Sunk a large Sum in the purchase of them, it will be necessary that the Memorialist should shew some proof of their being the property of the Society, which he represents, and not the property of George Greig, for this purpose the Memorialist is recommended to point out at what period and from what Vessel they were landed at the Custom House and in whose name they were entered and passed through that Department.

Colonial Office, July 21st 1824.

By His Excellency's Command.

(Signed) P. G. BRINK.

[Enclosure No. 3 in the above.]

CAPE TOWN, *24th July* 1824.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's Reply to my Memorial, informing me that the Types and Presses alluded to therein were sealed up in consequence of the repeated abuse that Mr. George Greig had made of them, and of his refusal to afford any Security to the Colonial Government against a recurrence of such abuse, and that the same restriction must continue until Security be given in the Sum of Ten Thousand Rixdollars, that they will not be used in the Printing and publishing any matter of political or personal controversy. And I am further called upon to shew proof of their being the property of the London Missionary Society, in opposition to the declarations of Mr. Greig, that the Presses and Types were his own, and that he had sunk a large Sum of money in the purchase of them.

The observations made by Your Lordship in the Reply to my Memorial on the conduct of Mr. Greig, as the Editor of a Newspaper and the reasons assigned for restraining him in the exercise of that office, I am neither required nor disposed to controvert. Mr. Greig and he alone, is I conceive responsible for his own actions, and if he has given cause of offence, and incurred the displeasure of Government, his delinquency can no more affect the just and legal rights of the London Missionary Society to their property, than the blame or penalties he may have incurred could be imposed upon the Society or their Agent. How, therefore, the mere Circumstance of *Mr. Greig's* refusal to give Security, can furnish a reason for demanding Ten Thousand Rixdollars from me, when no Security whatever is required from the Proprietors of a Press in the service of another Mission in this Town, I am quite at a loss to conceive.

In the Memorial transmitted to Your Lordship, it was not said that I intended to use these Presses at all. I might or I might not use them, but I must say that Your Lordship is very ignorant of my character and the respect I have for my office, if you suppose for a moment that I could either employ those Presses for political purposes, or submit to the invidious

imputation which would be implied by giving such a Security as Your Lordship demands, in order to obtain possession of them. I claimed the Presses as the property of the Society, and till I am better informed, can see no reason why Your Lordship should require Security before that property is given up, than Your Lordship would have to shut up the House in which the Presses were worked, till the Proprietor gave Security that it should never again be let to any person who would use it in the way in which it has been employed by Mr. Greig.

On this part of the subject, I should not think it necessary to say more, but for an expression in Your Lordship's Reply to my Memorial, which as far as I can collect its meaning, and by the manner in which it is introduced, seems either intended to cast a censure upon my conduct, or to identify me in some degree with the proceedings of Mr. Greig. The words to which I allude are contained in the following Extract:

"Memorialist is informed that as the Types and Presses alluded to were sealed up in consequence of the repeated abuse that Mr. Greig had made, of what would now appear to have been his *unrestrained possession* of them."

On what grounds Your Lordship says it now appears "that Mr. Greig's possession of the Presses was *unrestrained*, Your Lordship's communication does not inform me. My Memorial could not have furnished the foundation for such an opinion, as it was strictly and purposely confined, within such limits as were sufficient, briefly to explain the reasons on which my application was founded. By whomsoever that opinion may have been suggested to Your Lordship, I shall now proceed to shew, that it is entirely unsupported by the facts and circumstances of the Case.

From the claim I had upon the Presses I certainly did endeavour to control Mr. Greig in the use of them, as soon as I found that his Paper gave offence to Government, and I have no hesitation in saying that if matters had been allowed to go on a Week longer, the measures I had adopted would have led to a satisfactory pledge or Security being given on the part of Mr. Greig, or else the Presses would have been taken out of his hands, without any necessity for interference of Government in the business.

Mr. Bird knows perfectly well that I was the first Individual

who complained to Mr. Greig respecting the leading Article in the 14th Number of his Paper. He knows also that when the 18th Number appeared I sent for Mr. Greig, and urged and required him to give the Security Government demanded, and that I informed him on the same occasion, that if this Security was not given the presses would be advertized for public Sale, and Your Lordship is not ignorant that they were advertized accordingly, in the Cape Town *Gazette* before the Seals of Government were put upon them. I shall be glad if Your Lordship will inform me what other means, short of a Process of Law I could have used to restrain Mr. Greig in the circumstances in which we were placed. I did everything in my power consistent with a *good conscience* to meet the wishes of the Colonial Government, and to prevent the introduction into the Paper of all topics of a personal and irritating nature. As a further proof of this I may mention, that pending Mr. Greig's consideration of a proposal I had made to him, in which was embodied all that the Colonial Government then required, and when Mr. Edwards' trial was going forward, I stated to Mr. Greig that if more than the bare forms of Court were given, or if anything in Mr. Edwards' defence, reflecting upon Your Lordship or any other Individual was published I would immediately call for an order to have all the presses removed, when I received such an assurance as satisfied me I had nothing to fear on that head.

With Mr. Greig I can scarcely say I had any acquaintance previous to the interview which led to his getting possession of the Presses. He had informed me he had come to the Colony as a Printer, that he expected to obtain leave from your Excellency to follow his profession, and he wished to know whether under those circumstances I would lend him the Presses &c. in my possession.

In reply to this communication, I stated that the Presses were not in good order, that they had not been used for many years, and that it would require some expence to put them in repair; but that if he received authority to print from Your Lordship, and if he chose to put them in repair, he might have them till I should call for them. During my absence in the Interior, as I have already stated in my Memorial, the *Commercial Advertiser* was commenced. I was never consulted on

the commencement of that Paper, though on my return to Town I was solicited to assist in carrying it on. To this request I gave a decided negative, and from the beginning to the end of the undertaking I never directly or indirectly had any concern with it. So much for the unrestrained possession of the Presses and for my connection with Mr. Greig.

I now come to that part of Your Excellency's reply to my Memorial which calls upon me to prove the right of the Missionary Society to the property in question in opposition to the claims and assertions of Mr. Greig.

However much I may regret that Mr. Greig should have made declarations to Your Lordship so devoid of truth as they must have been unsupported by proof, I do not conceive myself responsible for Mr. Greig's statement on the occasion, any more than I do for anything published by him which may have given offence to your Lordship, nor can I suppose in the absence of all evidence on the part of Mr. Greig that Your Lordship will maintain his claim to the Presses &c. in opposition to the undoubted and well known rights of the London Missionary Society.

As to Mr. Greig's assertion that he had sunk a large Sum of money in the purchase of the Presses, I shall only observe, that no such purchase ever was made, and that I even declined to receive any remuneration for the use he had of them, which he offered to make a very few days before he left the Colony, to a Gentleman who is now on the spot, and willing to give evidence of the fact if necessary. But I believe it is generally understood in Cape Town, to whom the Presses belonged, and I cannot think the fact can be unknown to the Colonial Government. Mr. W. Bird spoke to me respecting the Presses as far back as the 15th of April and in a way that necessarily implied that in his opinion the Presses were the property of the Missionary Society, and as I understood him, to express the Sentiments of Government on the occasion and to be in communication with Your Excellency on the subject, I naturally enough concluded that Your Lordship was aware, and was fully satisfied that the Presses were not the property of Mr. Greig.

But if any doubt remains as to my right to claim the Presses as the property of the London Missionary Society I hope the

enclosed Copy of a letter which I have received from Mr. Greig (the original of which may at any time be seen in his own handwriting) will be deemed sufficient.

Conceiving that Your Lordship had a right to require of me the authority by which I claimed the Presses in question, in giving the foregoing explanation I conceive myself as doing no more than what is my duty, but when Your Lordship calls upon me to state what Ship these Presses arrived in the Colony, and in whose name they are entered and passed through the Custom House, I cannot but consider Your Lordship is imposing upon me a work of supererogation.

One of those Presses was, I believe, imported into the Colony, before Your Lordship assumed the reins of Government, and the other I have been told arrived during my absence in the Interior, in the year 1819. The name of the Ship by which it was brought out I never enquired. I knew perfectly well that the Directors of the Society I have the honor to represent, would do nothing that was not conformable to the Laws, and satisfied that Your Excellency's officers of Customs had done their duty, I made no enquiries on the subject, but if Your Excellency is pleased to call for an inspection of the Books of the Custom House, I have no doubt that everything relating to the Landing of these Presses will be found to be perfectly regular and quite consistent with my declarations regarding the right of property in them.

Having now, I trust, afforded such an explanation on this subject as will be considered satisfactory, I have to repeat my application to Your Excellency that the Presses &c. in question may be delivered up to me as the Agent of the London Missionary Society, whose property they are, or if Your Lordship is still determined to retain possession of them, that you will do me the favor to point out to me for my information and future guidance in the matter, the Law or authority under which these Presses are withheld from their legal Owners, and the grounds on which such a departure in a solitary case is made from the principles laid down in Your Lordship's proclamation for regulating business of Printing in this Colony.

I have only further to request, that in the event of Your Lordship's having made any representation to His Majesty's Government in England, which is calculated to implicate the

London Missionary Society into the importation of these Presses into the Colony, or myself as their Agent, in the abuse Mr. Greig may have made of them, that Your Lordship will have the goodness at your earliest convenience to transmit to the same authority this my explanation of the whole transaction with the other Documents which have passed on the subject.

I have &c.

(Signed) JOHN PHILIP.

To His Excellency
The Right Honorable Lord Charles Somerset.

[Annexure to Dr. Philip's Letter.]

I hereby acknowledge to have received from the Revd. Dr. Philip Two Printing Presses, belonging to the London Missionary Society, to put in order for Printing.

(Signed) GEO. GREIG.

[Enclosure No. 4 in the above.]

COLONIAL OFFICE, 27*th July* 1824.

SIR,—I am directed by His Excellency the Governor to acknowledge his receipt of your letter of the 24th Instant, and without noticing the disrespectful manner in which several passages in it are expressed, He finds only additional cause to adhere to the determination announced in His Excellency's Reply to your Memorial and which will be applied not only in the present but in all cases of the intended employment of Printing Presses in this Colony.

His Excellency directs me to observe that he was induced to recommend you to specify the passing of the Presses through the Custom House as the most authentic proof of the property you claim on them as the Agent to the Society you represent, but it is open to you, to decline or to afford that proof as you may deem most expedient to the Interests of your Constituents.

In the meantime His Excellency cannot but remark that the terms of Mr. Greig's receipt (Copy of which was transmitted by you) without date, do not accord with your assertion that the Presses were allowed to pass into Mr. Greig's hands not only for the purpose of being repaired but for that also of being used

in the event of Mr. Greig's obtaining His Excellency's permission to print and subject to your call for them.

His Excellency must also observe that although he did perceive an advertisement in the Cape *Gazette* of the 8th of May last for the Sale of two printing Presses on the 15th of last month by A. E. Rutherford, no mention whatever was made that they were not the property of the Advertiser, much less were they specified to belong to the London Missionary Society. It is matter also of surprize to His Excellency after what has occurred that you should not have made a call for the Presses until after Mr. Greig had left the Colony although they had at that period been sealed up Nine Weeks.

I have &c.

(Signed) P. G. BRINK, Acting Col. Secretary.

To the Revd. Dr. Philip.

[Enclosure No. 5 in the above.]

CAPE TOWN, *July 29th* 1824.

MY LORD,—I have been favored with your Excellency's communication of the 27th Inst., and beg to be permitted to offer a few observations upon the different points alluded to therein.

I cannot but regret that any passages in my Letter of the 24th Inst. should appear open to animadversion as wanting in the respect due to your Excellency's high station, and which I have ever both from principle and inclination been willing and forward to render. My letter was written under the impression not only that the property of the Society I have the honor to represent was unjustly detained, but that it was intended to cast an imputation on my conduct and character as connected with the use that Mr. G. Greig had made of the Presses in question. I certainly endeavoured to repel any such imputation plainly and decidedly, and if in doing so I expressed myself with unusual warmth and feeling, it will, I hope be attributed not to any intentional disrespect towards your Excellency, but to an anxious desire to vindicate myself from supposed charges or reflections which I knew to be unfounded and peculiarly undeserved.

I considered myself from the almost official communications that were made to me to have stood as a mediator between the Colonial Government and Mr. Greig, and therefore little expecting to have it imputed to me, that I either connived at his proceedings or allowed him the " unrestrained possession " of the Presses.

As respects the avowed intention of Your Lordship to allow no Presses in future to be worked in the Colony, unless security to the amount of Ten Thousand Rixdollars be given, I shall of course bow to your Excellency's decision. I have only to regret that our Missionaries who have never offended by the publication of anything political or connected directly or indirectly with Government, should be prevented from Printing Alphabets and lessons for the use of the Schools, as formerly, and thus impeded in the prosecution of their useful labors. On the subject of securities in general it is not for me to say anything at present; but I may be permitted to observe, that the Colonial Government has in the character of the London Missionary Society, and in the connexion between that Society and its Agents, Securities that no Presses in their Service will ever be employed by them against the Government, of infinitely greater value than anything that attaches to wealth in other cases.

In answer to your Lordship's remarks on the note of Mr. Greig, I venture to submit, that the want of a date to that document, is a circumstance altogether immaterial, as Mr. Greig is well known never to have had any other Presses in his possession than those in question, that accidental omission can occasion no uncertainty as to the particular Presses referred to. I beg also to observe, that I can discover no discrepancy between that note, and the declarations made in my Letter of the 24th Inst. All that was required in the note was acknowledgment, that the Presses were the property of the London Missionary Society. There could be no necessity for going into details in an article of that nature, tho' in my letter I thought it proper to give your Lordship a candid statement of all the circumstances connected with the manner in which Mr. Greig obtained possession of the Presses.

I confess, my Lord, I read with some surprize the construction put by your Excellency on the fact of my not having called

for the Presses till after Mr. Greig had left the Colony. On this point, I beg leave to inform your Lordship, that my only reason for not having claimed the Presses at an earlier period was out of respect to your Lordship's feelings, and in compliance with what I then considered to be the wishes of the Colonial Government. When the Presses had been advertized for Sale, and immediately after the Seals of His Majesty's Fiscal had been put upon them, I waited upon Mr. Bird, in the Custom House to know whether it would be agreeable to the Colonial Government that the sale should take place at that time. In answer to my inquiries, Mr. Bird stated it as his opinion, that as it was not my wish to sell the Presses, and as I had advertized them merely to take them out of the hands of Mr. Greig it would be better to postpone the Sale, and further, that I should allow the Seals of Government to remain upon them, till Mr. Greig should have quitted the Colony. I certainly considered Mr. Bird as speaking the sentiments of your Lordship on this, as well as on other occasions about the same period, and having complied with his suggestions, merely to meet the wishes of the Colonial Government, it may easily be conceived I was not a little surprized to find my compliance assumed as an argument to invalidate my claim of the Presses, as the property of the London Missionary Society.

If, my Lord, these Presses have been legally imported into the Colony, and regularly passed thro' the Custom House, if my actual possession of them can be proved down to a very recent period, if there is a total absence of all proof that they ever became the property of Mr. Greig, and if I have adduced sufficient evidence of their being still the property of the London Missionary Society, (and if that evidence is deemed insufficient, I have already offered to bring forward further and unexceptionable testimony on the point) I am at a loss to understand by what title or for what purpose the Colonial Government still retain them in its possession.

That they were not a few weeks ago regarded either by the Government or Mr. Greig, as his property, appears sufficiently evident from the fact, that the types only, (which really were his) and not the presses, were purchased from him by the Government before he left the Colony.

If your Lordship has determined that no Press shall be

worked in this Colony, unless security be given, I shall of course be bound to consider that decision as imperatively binding upon me, in common with all other persons, but at the same time, that resolution, does not imply any claim or intention to *confiscate or withhold* the Presses in question from the rightful owners.

Repeating my regret that any expressions in my last communication should have given the slightest cause of offence to your Lordship, and hoping that I have succeeded in removing every objection from the mind of your Lordship to the Presses being given up to me as the Agent of the London Missionary Society, and subject, if your Lordship pleases, to any claims which Mr. Greig may think he has upon them, I have &c.

(Signed) JOHN PHILIP.

To His Excellency
The Right Honorable Lord Charles H. Somerset.

[Enclosure No. 6 in the above.]

COLONIAL OFFICE, *4th August* 1824.

SIR,—I am directed by His Excellency the Governor to acknowledge His receipt of your Letter of the 29th Ultimo, and to inform you that His Excellency is willing to deliver the Printing Presses in question to you, sealed, provided you give Security to restore them or the Amount of their Value (which shall be appraised) should Geo. Greig at any future period establish the property which he unequivocally and broadly asserted to His Excellency he had in them. And I am further to state to you, that His Excellency will direct the Seals to be removed from the Presses upon your giving Security that they shall exclusively be used for the Service and the purposes of the London Missionary Society as stated by you in your letter to His Excellency of the 29th Ultimo viz. "the Printing of Alphabets and Lessons for the use of the Schools and for no other purposes whatever." I have &c.

(Signed) P. G. BRINK.

To the Revd. Dr. Philip.

[Enclosure No. 7 in the above.]

CAPE TOWN, *August 10th* 1824.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's letter, 4th August, intimating to me, that your Excellency is willing to deliver up to me sealed, the Printing Presses formerly in possession of Mr. George Greig, providing I give security to restore them, or the amount of their value, should Mr. George Greig at any time establish his claim to them as his property, and in the same communication, your Excellency informs me, that you will cause the seals to be removed, provided I shall give security, that they shall be used exclusively for the service and purposes of the London Missionary Society, as stated by me in my letter to your Excellency of the 29th ultimo, viz. " The Printing of Alphabets and Lessons for the Schools,and to no other purpose whatever."

In my letter to your Excellency of the 29th ultimo I expressed a hope that I had removed from your Excellency's mind any objections your Excellency might have before had to the delivering up of the Presses to my order, and if any doubt remained as to my right to the Presses as the Agent to the London Missionary Society, I expressed my readiness to receive them, subject to any claim which your Excellency might apprehend Mr. Greig may have on them. This method was suggested to remove any scruple your Excellency might have in your mind as to my claim to the Presses, and I am under obligation to your Excellency for meeting me so far as to adopt this method of settling the business ; but I submit to your Excellency whether the proposal of delivering to me the Presses sealed, after having given the Security required, does not subject my character to some degree of imputation should I accept the proposal of your Excellency on this condition; according to my present views and feelings I confess I would much rather that the Presses should remain in the Colonial office sealed, than that they should be removed to my premises, and kept there under the Seals of His Majesty's Fiscal. If the Presses were now offered to me on that condition, without any security, I cannot see how I could, consistent with the respect due to myself, and to the Society I have the honor to represent, accept of them.

In the second proposition made to me, I apprehend my meaning must have been mistaken, and that has occasioned a mistake in quoting the words included in the inverted commas. The passage alluded to is as follows: "I am further to state that His Excellency will direct the Seals to be removed from the Presses, upon your giving Security that they shall exclusively be used for the Service and purposes of the London Missionary Society, *as stated* by you in your Letter to His Excellency 29th ultimo, viz. the Printing of Alphabets and Lessons for the use of the Schools, and to no other purpose whatever."

In the answer to my first memorial claiming the presses as the property of the London Missionary Society, after stating Mr. G. Greig's refusal to give the securities required by the Colonial Government, it is added, the same restriction upon the Presses and Types must continue until security be given in the Sum of Ten Thousand Rixdollars that they will not be used in the Printing and Publishing any matter of political or personal controversy.

In my Letter to your Excellency of the 24th July, I complain that such a security should be required of me, while there was a Press in Town at work where no such securities had been either required or granted. In reply to this remark your Excellency informs me in your communication to me 27th July, that it is your Excellency's determination, that the rule laid down in this case "will be applied not only in the present, but in all cases of the intended employment of Printing Presses in this Colony."

Considering, as I did, that the determination of your Excellency extended to all the Mission Presses in South Africa, and would oblige me to put an immediate stop to any of them at work on any of our Mission Stations, having expressed my determination to bow to the decision of your Excellency, I stated in my Letter of the 29th ultimo "I have only to regret that our Missionaries, who have never offended, by the publication of anything political, or connected directly or indirectly with Government, should be prevented from printing Alphabets and Lessons for the use of Schools as formerly and thus impeded in the prosecution of their useful labors."

I know not whether your Excellency in dictating the last

communication made to me, understood me to have pledged myself in mine of the 29th by the words of my Letter which have been quoted; but if your Excellency will again examine the passage which has been quoted from my Letter I submit to your Excellency's judgment whether it will bear that construction.

Your Excellency will observe in again examining my Letter of the 29th that the words "and for no other purpose whatever," marked as a quotation, and connected with the above sentence in your Excellency's communication to me, has no place in my Letter.

While I disclaim having given any promise in this case, and have serious objections to a restriction confining the use of the Press to Alphabets and Lessons for the Schools, and to bind myself to use it for "no other purpose whatever," I hope that your Excellency will be satisfied to deliver up the Presses unsealed, on receiving the security required (in reference to the claims of Mr. Greig) and the promise which I now distinctly make, that these Presses, while the question of the Liberty of the press in South Africa is pending, shall never be used in Printing on any political subject whatever, or anything that has a reference to the state of the Government of this Colony.

I have &c.

(Signed) JOHN PHILIP.

To His Excellency
The Right Honorable Lord Charles H. Somerset.

[Enclosure No. 8 in the above.]

COLONIAL OFFICE, 13*th August* 1824.

SIR,—I am directed by His Excellency the Governor to acknowledge His receipt of your Letter of the 10th Instant yesterday, and in reply to inform you that His Excellency has only to refer you to my Letter of the 4th Instant relative to the terms upon which He can authorize the removal of the Seals from the Printing Presses lately used by Mr. George Greig. I have &c.

(Signed) P. G. BRINK.

To the Revd. Dr. Philip.

[Enclosure No. 9 in the above.]

Extract of a Letter from WM. HAYWARD, ESQRE., *to* HIS EXCELLENCY LORD CHARLES HENRY SOMERSET, *dated Bathurst 20th September* 1824.

MY LORD,—Your Lordship's favor of the 10th instant reached me here &c.

On the whole I find less difficulty with the People than I had expected; there are some obstinate or misconceiving men to deal with, and I have lately heard of a case of misrepresentation of me. I pity the man's folly.

The Sub Divisions of the Locations, so much desired, now shew each man what are his rights. So many Claimants are admitted that the whole are still much confined. The *industrious Cultivator* is now likely to be the greatest Sufferer; he is also, generally speaking, the owner of the largest Stock. There is no other course to pursue than to follow Your Lordship's Suggestion of fixing the right of Pasturage to so many Head, everyone is satisfied that this is right and just, and the only distribution that can be made in this Colony. The difficulty is that the man possessing much Stock will either have to reduce it at a disadvantage or to pay his neighbour for Pasturage, which he can ill afford to do. The Stint in those Locations I have hitherto visited in no case allows more than Twenty or Thirty Head of Cattle and a proportionate number of Sheep to each Proprietor.

I am not very well able to forward Reports on certain points and claims as they come before me, being so much occupied with my Field Work that I am confined to Field Notes and my Journal. No unnecessary delay shall take place, and I trust the Several Interests will not suffer in the meantime.

I have &c.

(Signed) WM. HAYWARD.

[Enclosure No. 10 in the above.]

Authentic Copies of a Correspondence which took place in consequence of a Statement made at the General Annual Meeting of the Society for the Relief of Distressed Settlers, in Cape

Town, August 18th, 1824, Reflecting on the Conduct and Character of the Landdrost of Albany. Cape Town:—1824. *Printed at the Government Press.*

A Statement made by the Reverend Dr. Philip, at the General Annual Meeting of the Society for the Relief of Distressed Settlers, at Cape Town, on the 18th of August, 1824, having deeply implicated the Character of the Landdrost of Albany, it was deemed necessary by the Government to refer immediately to that Officer for an explanation of the alleged neglect; and in order more satisfactorily to investigate every circumstance relative to the charge, to solicit Dr. Philip to furnish more minute particulars, with the name of the Officer, as well as that of the suffering Party.

This determination gave rise to the following Correspondence and Documents, which, as the subject is of extreme import to the Landdrost of Albany, and his Friends, as well as to the character of the Colonial Government, have been printed, as the most convenient mode of bringing them under the perusal of those Gentlemen whose humanity and liberality have induced them to take a lively interest in the Settlers' cause.

(Copy A.)

COLONIAL OFFICE, 20*th August* 1824.

SIR,—At the Annual Meeting of the Settlers' Fund, which took place here on Wednesday, Dr. Philip made a statement, of which the enclosed is considered to be the substance :—

His Excellency the Governor deems it a duty he owes to you, as well as to the character of his Government, to request that you will immediately obtain every information upon the subject alluded to by Dr. Philip, and report to him thereon. In the mean time, His Excellency has called on Dr. Philip, by letter, desiring to know if the accompanying Statement be the substance of what fell from him at the Meeting on the 18th instant; and requiring more minute particulars from him. The result of this communication shall be forwarded to you by the next post. His Excellency is also informed, that Mr. Rutherfoord, in opposing a proposition that the Landdrost and Heemraden, and the resident Chaplain, (of the Established

Church,) at Graham's Town, should be added to the Sub-Committee in Albany, stated, "that he *knew* that the Landdrost had neither time to permit him to attend to the objects of the Society,—nor had he the inclination." You will, of course, ascertain the name of the Officer alluded to.

I have &c.

(Signed) P. G. BRINK.

Harry Rivers, Esq., Landdrost of Albany.

(Copy. Enclosure to A.)

CAPE TOWN, 18*th August* 1824.

At a Meeting of the Subscribers to the Society for the Relief of the Distressed Settlers, held this Day, a Resolution was proposed by Mr. Wilberforce Bird, that the Committee for the ensuing Year, should be instructed to augment their Sub-Committee in Albany, by requesting the Landdrost and Heemraden of that District, and the Clergyman of the Established Church in Graham's Town, to Co-operate with them in affording information to the Committee as to the condition of the several Settlers and their respective claims to relief.

Dr. Philip took occasion in opposing Mr. Bird's resolution to declare unreservedly, that, when he was in the Albany District last January, a fact had come to his knowledge, which proved the indifference of the local authority to the distresses of the Settlers. That an officer riding in the neighbourhood of his post, and adjacent to one of the locations, had discovered a scene of unexampled distress in one of the families of the Settlers. A poor woman was confined in Child-bed, her husband was lying dangerously ill in the same room; she had the preceding day buried her child in the garden, and the whole family were utterly destitute—they had actually been without food for two days. On becoming acquainted with their misery, the officer returned to his post, and sent them immediate relief, and lost no time in writing to the Landdrost, for the purpose of bringing this case of distress to his knowledge. He never received any answer whatever, and went himself to Graham's Town, where he was equally unsuccessful in obtaining any relief for the poor family from the authorities

there, and returned to his post, bringing with him the small contributions of private individuals in Graham's Town.

(Copy B.)

COLONIAL OFFICE, 20*th August* 1824.

SIR,—The substance of the speech delivered by you on Wednesday last at the Annual Meeting of the Settlers' Fund, (contained in the enclosed paper *) having been brought to the knowledge of His Excellency the Governor, I am directed by him to request, that you will inform him relative to the correctness of the information he has received of the words which dropped from you on that occasion, and also to solicit you to furnish His Excellency with the names of the parties, and more minute particulars of the transaction in question.

His Excellency cannot avoid expressing his deep regret that you withheld from his knowledge at the time, an instance of negligence on the part of the local authorities, which so greatly involved the character of his Government, and the welfare of a portion of the community, whose condition has been an object of his anxious care. I have &c.

(Signed) P. G. BRINK.

Rev. Dr. Philip.

(Copy C.)

CAPE TOWN, 24*th August*, 1824.

MY LORD,—I have the honor to acknowledge the receipt of a letter from the Colonial Office, enclosing what is said to have been the substance of a speech delivered by me on Wednesday last, at the Annual Meeting of the Society for the Relief of Distressed Settlers, and requesting me to inform your Lordship relative to the correctness of the information you had received, of the words which dropped from me on that occasion, and also soliciting me to furnish your Excellency with the names of the parties, and more minute particulars of the transaction in question.

In compliance with your Lordship's request I have enclosed a correct statement of the words which fell from me on that occasion, in their connexion with the motion of Mr. W. Bird,

* *Vide* Enclosure to A.

and the discussion which took place on that motion previous to the words I used, respecting which your Lordship now wishes to be informed.

On comparing the words delivered by me with the statement given to your Lordship, as the substance of my speech, you will find several material circumstances in that narrative corrected. That part of the proceedings of the meeting on Wednesday, now laid before your Lordship, will prove I did not, *unreservedly*, (as stated by the reporter,) mention the facts alluded to; but was compelled to do it, after the warning I had given to Mr. Bird, against persisting in his motion, and in defence of what I considered of vital importance to the Society itself; and that the circumstances in question were not brought forward by me, but with a reluctance of the most painful nature, and visible to the great majority of the gentlemen present at the meeting.*

Further, it is my duty to state that the Landdrost, as mentioned in the reported speech to your Lordship, was not pointed out by me, by his own name, nor by his official designation: *one of the local authorities* was my expression. Mr. Buckton, in commenting on my speech, said I had mentioned the Landdrost; † I instantly repelled the assertion, and appealed at the same time to the meeting at large, and did not proceed till it was declared by many voices,—you did not mention the Landdrost,—you used no names. I am made to say, by your Lordship's reporter, that, having received no answer, he (the officer,) went to Graham's Town himself, where he was equally unsuccessful in obtaining any relief for the poor family from the authorities there.‡

* If the warning here alluded to was intended to deter Mr. W. Bird from bringing forward his motion, because Dr. Philip would accuse the Landdrost of Albany if he persevered in it, Mr. W. Bird owed it to the honour of that public officer, and to the character of the Government of which he was himself a member, to provoke the disclosure.

† Notwithstanding Dr. Philip asserts, that he did not mention the word *Landdrost*, any one acquainted with the formation of the local magistracy must know that the Landdrost is the person implicated, there being, in fact, no Authority without him in the Country Districts. If the Board of Landdrost and Heemraden be assembled, he is at the head of it; if it be not assembled, he is the only person possessing individual authority.

‡ The Landdrost declares, and is ready to make oath, that he never received any letter to this purport from any officer.

Your Lordship will perceive, by the words I have sent you as delivered by me, that I said he received no answer to his letter; but I neither said, that he went to Graham's Town, nor that he made an unsuccessful application to the local authorities in that place. He assured me on the contrary that he felt so indignant at the neglect of his letter, and of the case he had recommended, that he disdained to renew his application to that quarter, in which his former communication had been so neglected, and that he contented himself by doing what he could for the suffering family, among a few friends.

Your Lordship expresses your deep regret, that I withheld from you at the time, the information, the particulars of which you now require. In reply to this remark, I beg your Lordship to consider the object of my visit to Albany, and the principles on which I considered it my duty to adhere to that object. The object of the Society for the Relief of Distressed Settlers, and my own, in visiting them, was their sufferings, that we might know what relief to afford them, not the causes of those sufferings. In all my inquiries relating to the Settlers, and in my introductory speech at the meeting of the Society, last Wednesday, I uniformly declared that as far as their sufferings were connected with political causes, I had never in any shape interfered with them—so scrupulous was I on that subject, that in my last tour over the locations, hearing of the political fermentation which then existed at Graham's Town, though within a few miles of me, I abstained from visiting it, for no other reason, but that I might neither be infected with the spirit of the parties, nor from any connexions I might have with them, involve the object of my journey, with anything of a political character. To have taken up the complaints of the Settlers against the local authorities, and to have laid them before your Lordship, would have been in my estimation, an interference quite at variance with the object of the Society, and the character I sustained as the Agent of that Society.*

* It may perhaps occur to the mind of the reader, on perusing these papers, that it might have been as considerate towards the character of the Government, and as propitious to the welfare of the Settlers, if Dr. Philip had conveyed the bare fact, confidentially, to the Governor, through some channel, *supposing* that the occurrence did take place, which the following papers give reason to conjecture it never did.

I shall not trouble your Lordship with details of former occurrences: but when your Lordship recollects, that I opposed the motion which is the subject of this Correspondence, while it was yet in embryo in the Committee, that I not only cautioned the proposers of this motion against bringing it forward; but that on the day of the public meeting, I gave them the most earnest public warning, saying what I should be compelled to do if the motion was persisted in, (which can be attested by every gentleman present) Your Lordship must be satisfied that it was not my wish, nor intention, to have stated those circumstances in public, and that those who brought forward and supported the motion in question, are responsible for the unpleasant termination of the debate.

In addition to what has been already stated, and to shew the means that were employed to prevent the consequences that followed, I may also mention that a great part of Mr. Blair's speech at the public meeting was seen and acknowledged by Mr. Bird to have been delivered, in order to anticipate and prevent the motion.

As it respects the gentleman from whom I received the information, respecting this distressed family, your Lordship will be able to appreciate my motives for not being hasty in giving up his name. Mr. Rutherfoord and myself, who were both present when the particulars of the case were related, are ready to make affidavit,* that the statement I made at the meeting was received, as has been stated; but without the permission of our informer, we cannot, unless compelled to do it, disclose his name. I have &c.

(Signed) JOHN PHILIP.

To His Excellency the Right Hon. General Lord Charles Henry Somerset, &c. &c.

* This affidavit, which Dr. Philip and Mr. Rutherfoord are here stated to be ready to make, only goes to assert that they heard this tale from an officer. The Doctor, at the meeting, in bringing forward the subject, stated the circumstance as a *fact*. Every man is surely bound in candour and in honour to ascertain that what he is about to relate at a public meeting is *fact*, before he wounds the feelings or injures the character of any individual more particularly of one placed in authority.

(Copy. Enclosure to C.)

Mr. Bird's motion being stated and seconded, I proceeded to argue against its adoption, from want of time to attend to the business on the part of the local authorities, from a misunderstanding existing between the local authorities and the settlers, from the respect due to the feelings of the settlers and further I objected on all occasions, and in all Countries, to Government having anything to do with the distribution of charitable funds, collected by voluntary contribution. Then, in the most earnest manner, I warned Mr. Bird, not to insist upon his motion, and told him, that if he continued to press it, I should be obliged to enter into particulars, which would be extremely painful to my own feelings, and the feelings of others.

After some general discussion, and Mr. Bird stating his determination to take the sense of the Meeting upon his motion, I rose and spoke as follows :—

" Sir John Truter,—I never, on any former occasion in a public Meeting, rose with more reluctance than I feel at this moment. Out of regard to the feelings of all parties, I have this day purposely avoided all detail of individual suffering, that might have wounded the feelings of the sufferers themselves, or thrown anything like a reflection upon those who might have relieved them, and I cannot help regretting, that my friend, Mr. W. Bird, after the warning I had given him, should compel me to do what is so much against my inclination. Mr. Bird treated my former arguments against his motion as frivolous. What will he say to this objection, that a sum of money, amounting to Rds. 2,400, which had been collected by another Society, under the immediate patronage of Government, had been allowed to lay in the Bank, unappropriated, ever since December 1822, a period of nearly two years, during which the sufferings of the settlers were at the greatest height. This fact speaks for itself ; it requires no comment.

" On visiting one of the locations, in company with my friend, Mr. Rutherfoord, we had the following fact related to us, by an officer in the Army, Commanding a military post on the frontier. In one of the families of the settlers, he described a poor woman, confined in child-bed ; her husband was in a

dying condition on the same bed; she had buried a child in her own garden, a few days before, and the whole family were actually destitute: they had actually been without food for some time. On becoming acquainted with their circumstances, he returned to his post, and sent them immediate relief, and lost no time in writing to one of the local authorities of the District, for the purpose of obtaining, for this suffering family, the assistance he could not supply. After waiting in vain for some time, for an answer to his letter, or of some notice being taken of the case through that letter, finding that the individual to whom he had written, attended neither to the one nor the other, he then made application to a few individuals in Graham's Town, who raised a small sum for this distressed family, by private subscription."

(Copy D.)

COLONIAL OFFICE, 27*th August* 1824.

SIR,—With reference to my letter to you, dated the 20th instant, I am now directed by His Excellency the Governor to transmit to you herewith a Copy of a Letter and its Enclosure, which His Excellency called for from Dr. Philip, relative to the statement said to have been made by him at the last Annual Meeting of the Settlers' Fund, for your information.

I have &c.

(Signed) P. G. BRINK.

H. Rivers, Esq., Landdrost of Albany.

(Copy E.)

COLONIAL OFFICE, 27*th August* 1824.

SIR,—I am directed by His Excellency the Governor to acknowledge his receipt of your Letter of the 24th instant, and in reply to the last paragraph of it, to say, that, in requesting to know the names of the parties alluded to, His Excellency was only desirous of being informed of the name of the officer whose humanity has been so conspicuous, and of the suffering parties for whose relief that officer appears to have so laudably exerted himself, His Excellency would be

(Copy G.)

GRAHAM'S TOWN, 31*st August* 1824.

SIR,—I have the honor to acknowledge the receipt of your letter of the 20th instant, conveying the desire of His Excellency the Governor, that I will immediately obtain every information relative to a statement, the substance of which is contained in a paper, enclosed by you, made by Dr. Philip, at the Annual Meeting of the Settlers' Fund, on the 18th instant, with a view to prove the indifference of the local authority in Albany, to the distresses of the settlers, and stating, that Mr. Rutherfoord had on the same occasion, stated, "that he *knew*, that the Landdrost had neither time to attend to the objects of the Society, nor had he the inclination;" and I have the honor to inform His Excellency that, as the case alluded to by Dr. Philip, is not stated, and the name of the distressed family is not given, I cannot answer the statement specifically, but from circumstances and inquiries I have made, I have reason to believe, it alludes to the family of W. Harden, of Mr. Bailie's party, and should it be so, I have the satisfaction of being able to shew, that Dr. Philip's statement is utterly false. The enclosed documents * prove, that on my being acquainted with Harden's situation, I paid immediate attention to it, and afforded the required relief in necessaries, bedding, and money, without delay.

The officer, who commanded at the Caffre-drift post, from November 1823, to February 1824, states, he never had such correspondence with me, as that represented by Dr. Philip,† and I can declare upon oath, that I never received any letter or communication from any officer, upon Harden's, or any other person's case. Relief was, however, afforded through me, and I am therefore justified in stating, that Dr. Philip's statement, if alluding to Harden, is equally malicious and unfounded, and that he has had no authority whatever for traducing my character as a magistrate and a man.

It is difficult to reconcile his suppression from the Government which I serve, of any circumstances of the nature he has

* Letters from G. Dyason, with Extract from Mr. Bailie, and Mr. Godlonton.

† *Vide* Enclosure No. 2, from Captain the Hon. C. Monckton.

represented, with the motives which he affects to influence him, in now making them public, for he could not have doubted, that, in the character he has assumed as a missionary, and a leading member of the Fund for relieving distressed Settlers, such a representation from him, would have been received with attention, when the purity of his motives would not have become questionable, and his proceeding would have been more fair and honest, as he can only have withheld it for the purpose of calumniating the character of a public officer.

When I may be furnished with the circumstances and information, upon which he has made his assertions, I shall reply to them fully.

With regard to the statement made by Mr. Rutherfoord, I have the honor to submit to His Excellency, the impossibility of Mr. Rutherfoord having any grounds for making, or means of proving such vague and general assertions. I have, however, availed myself of the short interval of time, before the return of the post, to procure documents, of which I enclose copies,* from several respectable individuals, which fully refute Mr. Rutherfoord's assertions. I consider the testimony of these persons as conclusive and satisfactory as that of the whole community, (to whom I would not hesitate, if necessary, to appeal,) could be, but I shall add further documents by the next post, when I trust, His Excellency will perceive full and sufficient grounds, for the institution of legal proceedings against Mr. Rutherfoord, for the libellous aspersion of my Character. My relative situation in life with Mr. Rutherfoord, as well as with Dr. Philip, admits of no other mode of redress, and I must claim His Excellency's protection against the malicious and cowardly insults of these persons.

I beg to take this occasion of stating, that I have never in any instance neglected or refused to afford relief to the distressed, when in my power. The Subscription made in 1822, to which His Excellency contributed largely, originated in representations made by myself of the distressed state of some of the Settlers; the articles provided for the sick, and lying-in

* Enclosure, No. 3, Rev. W. Boardman, Lieuts. C. Crause and A. Bissett, R.N., Mr. P. Campbell, Surgeon, Graham's Town, Mr. W. Currie, Mr. G. Dyason, Captain T. Butler, W. Austin, Esq., Mr. J. Collis, the District Surgeon, and W. Hayward, Esq.

women, were made up and arranged in my own house, under my own superintendence, and I am at this time considerably in advance from my private purse, for the relief of persons in distress; having been moreover one of the earliest contributors to the Settlers' Fund, in the year 1820. I have &c.

(Signed) HARRY RIVERS.

To P. G. Brink, Esq., &c., &c., &c.

(Copy. Enclosures to G.)

(No. I.)

GRAHAM'S TOWN, 30*th August* 1824.

SIR,—I have the honor to inform you, with respect to the case of Harden and family, that they were supplied with necessaries and bedding by your order, and that you also in November and December last authorised Mr. Bailie, the head of the party, to advance them money, which he did to the amount of 25 Rds.

The following is an extract of a letter from Mr. Bailie on the subject, which I received yesterday :—

" The Landdrost gave me instructions to grant Mr. Harden 25 Rds. and Henry Lloyd, of Cuylerville, 20 Rds."

I can also state that you expressed and manifested, at the time, great solicitude about Harden's family, and directed Mr. Bailie to use his discretion in relieving them to any extent. I am convinced that Harden's must be the case alluded to by Dr. Philip, upon which, however, his information is totally unfounded and erroneous. I have &c.

(Signed) GEO. DYASON, Field Cornet.

H. Rivers, Esq., &c., &c., &c.

GRAHAM'S TOWN, 28*th August*, 1824.

SIR,—I have the honor to state, in reply to your inquiries as to any relief or assistance having been afforded to a family named Harden, that on the 31st of May, 1823, I received a letter from Wm. Harden, representing his helpless and destitute situation, occasioned by a severe illness with which himself and

child were afflicted, and requesting me to submit his case to your consideration, in order that assistance might be afforded from the Fund, which he understood had been established at Graham's Town, for the purpose of affording aid to Distressed Settlers, and that I accordingly, in compliance with this request, immediately made you acquainted with their case, and was, in consequence of such representation, directed by you to wait upon the Rev. W. Geary, and request his advice and opinion as to the best means of affording them the required relief. Mr. Geary stated, that, as the residence of Harden was so distant, (40 miles), he was of opinion that Mr. G. Dyason, the Secretary to the Fund, should, for the present, from his general knowledge of the characters and situation of the British Settlers, exercise a discretionary power in the supply of any necessaries to meet the exigence of their case; and that he should make those inquiries, as to the correctness of their statement, as should warrant such further exertions in their behalf, as their situation might appear to demand.

Upon stating Mr. Geary's opinion, you directed me to inform Mr. Dyason thereof, and to inquire from him if he had any knowledge of their then present situation, or of their characters. Mr. Dyason replied he had not been made acquainted with their destitute condition, and that he was sorry to state he could not recommend Harden to that consideration, to which a person of good character and conduct would be entitled. Upon my reporting this, you were pleased, nevertheless, to direct me to issue to the person who had brought the information of their necessitous situation, and which was accordingly done, quantities of rice, sago, oatmeal, and sugar; and you authorised me to state that their case would be taken into immediate consideration, and that, in the mean time, whatever necessaries they might be deficient of, should, upon application to yourself, be supplied.

Your intentions in their regard I immediately communicated to Harden by letter, and subsequently repeated the same assurance verbally, when I made it my business to visit them at their place of residence.

Being personally acquainted with this family, by their having been my fellow passengers from England, I was disposed to render them all the service in my power, and being aware of

the inadequacy of the Fund to meet the numerous cases which were submitted for relief, I was induced to draw out and circulate among my acquaintance, a petition, praying their contributions towards furnishing those necessaries and comforts which are, in time of sickness, indispensable, and the donations arising from hence amounted to about Rds. 150.

This Sum was by the suggestion of several persons who were acquainted with the improvidence and thoughtless character of Harden, laid out in necessary articles at the store of Mr. Stone, who was directed to furnish them from time to time, in such proportions as should prevent them being lavishly expended.

As you were made acquainted with the successful result of this measure in their behalf, and you had been previously informed of Harden's improvidence, you stated to me that you conceived it would be unnecessary and imprudent voluntarily to supply further assistance, until the sum which had been thus subscribed for their relief should be exhausted. Of the propriety of such precautionary measure, I beg leave to state that Harden had only returned to his Location about the latter end of January, previous to his illness, from Graham's Town, where he had been, for a considerable time, following the employment of a cabinet maker, at which business, being a good workman, when inclined to exercise common industry, he was in the receipt of very large profits ; and that, from the interest I was induced to take in his affairs, from consideration of the helpless condition of his family, I was applied to repeatedly during his illness for payment of the rent of a house which he had occupied while living in Graham's Town, and other sums of money in which he stood indebted, and which had been left by him unpaid.

On the 28th June, 1823, John Duffy brought a letter from Harden, stating his family were deficient in bedding, and you immediately ordered me to issue to the bearer, for their use, a pair of blankets, which was accordingly done.

I am not aware of any further assistance having been afforded from the fund under your control and direction ; but I conceive from the strong feeling of commiseration shewn by you, on every occasion I had the honor to allude to, or represent their case, that had you been aware of their wanting any necessary

comfort, it would have been supplied ; and that your intentions in their behalf were only frustrated by the unfortunate and premature death of Harden, which calamity was accelerated, if not occasioned, by dissipation, and an excessive addiction to ardent spirits.

I have only further to add that Mrs. Harden, shortly after the death of her husband, went to reside with a family of notoriously bad character, named Knott, from which period I have no knowledge of her circumstances, or whether she had applied for, or received, with the exception of a donation of 50 Rds., from the Settlers' Fund Society in Cape Town, and which passed through my hands at that period, any further relief or assistance. I have &c.

(Signed) R. GODLONTON.

H. Rivers, Esq., &c., &c., &c.

(Copy. Enclosures to G.)

(No. II.)

GRAHAM'S TOWN, 28*th August*, 1824

SIR,—It having been publicly stated by Dr. Philip, at a Meeting of the Settlers' Fund, last week, in Cape Town, that when he was in the Albany District in January last, it had come to his knowledge that an Officer, riding in the neighbourhood of his post, (Caffre Drift) had discovered a scene of unexampled distress in one of the families of the Settlers ; that the Officer lost no time in writing to the Landdrost, for the purpose of bringing this case to his knowledge, but never receiving any answer whatever, he went himself to Graham's Town, where he was equally unsuccessful, in obtaining any relief for the poor family, from the Authorities there, and returned to his post, bringing with him the small contributions of private individuals.

As I am informed that you were the Officer commanding at the Caffre Drift post in the months of November and December, 1823, and of January, 1824, I take the liberty of requesting you will inform me if you have any knowledge of the circumstances stated by Dr. Philip, or any recollection of the com-

munications which he asserts were made to me, as I do not remember to have received them. I have &c.

(Signed) H. Rivers.

Captain the Hon. C. Monckton.

Graham's Town, 28*th August*, 1824.*

Sir,—In reply to your Letter of this date, I beg to inform you, that I commanded at the post of Caffre Drift, from the 25th of November, 1823, to the 8th of February, 1824; and I can affirm that I never had any communication with you, by Letter, or otherwise, upon the subject you mention.

I have &c.

(Signed) Carleton Monckton, Captain 24th Regt., Late Cape Corps, Infantry.

H. Rivers, Esq., Landdrost of Albany.

(Copy—Enclosures to G.)

(No. III.)

30*th August*, 1824.

Sir,—In answer to your letter, which I have this moment received, I beg to state, that I never, in any single instance, have found you inattentive to any representations of distress among the settlers; on the contrary, whenever I have applied to you for others, my applications have been always attended to, or satisfactory reasons assigned for their rejection, and you have generally concluded with asking, whether I had any more requests to make to the same purport. The request from you, soon after the devastation of the floods, and the conversation that passed when I waited upon you last, respecting the best mode of distribution of the charity, and which I purpose to answer in the course of the week, contain a sufficient refutation of the unfounded assertions alluded to in your letter. His Excellency also, in whose hands the continuation of my narrative is at present, would probably

* The attention of the Reader is particularly called to the contents of this letter, with reference to letter S.

condescend to put it into the hands of Dr. Philip, Mr. Rutherfoord, or some other managers of the Fund, which would settle the business at once. I have &c.

(Signed) W. BOARDMAN.

H. Rivers, Esq., &c., &c., &c.

GRAHAM'S TOWN, 30*th August*, 1824.

SIR,—In reply to your letter, I can only say, that I feel a difficulty in finding language sufficiently expressive of my indignation at the vile and unparalleled attempt to asperse your character, and I trust you will be able to find out and punish those who have been the cause of it.

I feel most happy in stating, that some few instances have come within my own knowledge, of your having afforded relief to settlers, who stood in need of it; and I have no hesitation in affirming, that it is my opinion, that no real object of commiseration would have supplicated in vain.

I cannot let this opportunity pass, without observing, that I know of no such distress in this Colony, as has been publicly stated. I should like to be informed, who the people are, requiring eleemosynary aid,—not the labourer I imagine, who can procure two Rds. per day, or the mechanic, who can procure three or four. The truth is, that the only people distressed are some few of the more respectable class, who have spent their money in agricultural pursuits, which have not answered their expectations, and who from pride or inability are rendered incapable of living by labour. There are but few men, however decrepid they may be, who might not get their living by herding cattle, or other easy employment.

I have &c.

(Signed) CHAS. CRAUSE.

H. Rivers, Esq., &c., &c., &c.

BATHURST, 30*th August*, 1824.

SIR,—It having come to my knowledge that it has been stated at a Meeting of the Settlers' Fund at Cape Town, that you had neither time or inclination to attend to, or relieve distress amongst the Settlers :—

I beg to state that from my own knowledge and experience,

I know that you have been anxious to ascertain and relieve distress, and that, when I had occasion to consult with you on the subject of a loan, you heard me with the greatest patience, and, thinking it necessary, recommended it most cheerfully.

I also know, that the Field Cornet here has had instructions to report to you, cases of real distress, in order to your relieving them ;—I therefore feel satisfied, that the assertion made at the meeting in Cape Town, as regarding you in this respect, is altogether without foundation. I have &c.

(Signed) ALEX. BISSET.

H. Rivers, Esq., &c., &c., &c.

GRAHAM'S TOWN, 31*st August*, 1824.

SIR,—In answer to the question which you have proposed to me, viz. :—whether during the period in which I acted as District Surgeon in Albany, by your direction, I considered you as a man who evinced an inclination to attend to the distress of the Settlers ? I beg leave to reply, that in that time (13 months) I have not known a single instance wherein you evinced a disinclination to attend to the distresses of Settlers, or others ; on the contrary, I am ready to bear testimony of your anxiety to relieve real distress, whenever it presented itself in the District, and I can recount a number of instances wherein you afforded the most prompt assistance in distress : you first called me to assist in a case of real distress, and you personally visited the same case. I have attended in every part of the District to afford medical aid to distressed Settlers and others, by your desire, and the last act of my service in the District was attendance on a distressed Settler, to whose wants I know you contributed from your own private property. Your attention to the Widow Briant, whose husband was drowned in Salem, by affording immediate relief to her distressed infants ;—your affording shelter to Wiggle, whose hut was burned, and being the first to set a subscription on foot to relieve that distressed family, are among the instances which may be mentioned to prove, that, whatever your faults may be, (and few men are without faults,) the want of humanity is not one of your's.

I feel in justice bound to make these assertions, having heard that the contrary has been affirmed in some other quarter; and I am convinced that every person who knows me, will acquit me of being actuated by any partial motives.

I am, Sir, &c.

(Signed) PETER CAMPBELL, Surgeon.

H. Rivers, Esq., &c., &c., &c.

BATHURST, 30*th August*, 1824.

SIR,—I have just seen a statement from you, that you had been publicly accused, of a want of inclination to assist the distressed settlers, and a very broad accusation it appears to be, an accusation, which I believe not to be true, for I know well, that you have made inquiries for those in distress, for the purpose of relieving them. I have &c.

(Signed) J. PAWLE.

To H. Rivers, Esq., &c., &c., &c.

BATHURST, 30*th August*, 1824.

SIR,—In reply to your letter of yesterday, I am to state, that the assertion made at a Meeting of the Settlers' Fund at Cape Town, viz. :—"That you had neither time or inclination to attend to or relieve persons in distress," I consider to be totally unfounded and false. In every conversation with me on the subject, you have always expressed the greatest solicitude to be made acquainted with, and to assist, those who were in want. I have been directed by you to report such cases of real distress as came under my notice, and I have invariably found you had both time and inclination to listen to them.

On the other side is an extract from one of your letters to me on the subject. I have &c.

(Signed) W. CURRIE.

H. Rivers, Esq., &c., &c., &c.

(Extract.)

"GRAHAM'S TOWN, 11*th November* 1823.

"I am happy to say I have had few or no applications for relief, in consequence of sufferings or loss, from the late bad

weather; but should you know of any case of real distress, where you think assistance would be well, and ought to be afforded, I shall be obliged by your informing me, that I may, if in my power, procure relief;—I do not mean in money alone, but in meal, seeds for gardens, clothing, &c., &c. as circumstances may be."

GRAHAM'S TOWN, 29*th August*, 1824.

SIR,—I had the honor of receiving your letter of yesterday's date, acquainting me of its having been publicly stated, at a meeting in Cape Town, that you had not time to attend to the distress of the Settlers, and that if you had time, you had not the inclination; at the same time requesting me to state, whether I consider the assertion as correct;—I have in reply thereto, much satisfaction in being able to contradict, and to declare in the most positive and solemn manner, that such assertion is totally incorrect, and has been made without the slightest foundation in truth. So far from there being any want of attention on your part, in affording relief to distressed Settlers, I feel much pleasure in bearing testimony to a knowledge of many acts of beneficence, and anxious solicitude in all cases where relief or assistance was required, both as regards sickness or want, of which I am the better able to testify, from a connexion with, and knowledge of, the Settlers generally, arising out of my being a Settler myself, a Field Cornet in the District of Albany, and from having acted as Secretary to the Committee for the relief and assistance of poor lying-in Women.

I have &c.

(Signed) GEO. DYASON.

H. Rivers, Esq., &c., &c., &c.

LOCATION, 31*st August*, 1824.

SIR,—I had yesterday the honor of receiving yours of that date, and am sorry to find, that an attack has been made on your Character. I am happy to have to say, that I always found you most willing to attend to me, even on the most trivial occasions, and have experienced your humanity on many. I have &c.

(Signed) THOS. BUTLER.

H. Rivers, Esq., &c., &c., &c.

BATHURST, 29*th August*, 1824.

SIR,—I have the honor to acknowledge the receipt of your letter of this day's date, relative to a statement that has been made at a meeting of the Settlers' Fund in Cape Town, of your not having had time to attend to the distress of the Settlers, and if you had time, that you wanted inclination.

In reply, I beg to state, that the claim daily made on your time by the Settlers, has rendered your situation a most unpleasant and arduous one, and that *in no instance* do I know of your having neglected any well founded application of the kind, made by the parties, and consider the charge malicious and unfounded.

From being situated in the *midst* of the Settlers, I have had almost a daily opportunity of witnessing the late conduct and exertions of the greatest portion of the Settlers, and it is my most decided opinion, that they have received *more* attention and assistance, and particularly within the last twelve months, than their situation required, and that the public were never more imposed on than they have been generally on the subject. In the ten parties near me, I do not know of a family, or even an individual, that can be considered in distress, much of the distress that has been felt, has arose from imprudence and want of proper exertions. I have &c.

(Signed) W. AUSTIN, Heemraad.

H. Rivers, Esq., &c., &c., &c.

BATHURST, 31*st August*, 1824.

SIR,—On perusal of your letter to Mr. Currie, of yesterday, I have in justice to state, that, having occasion to wait upon you in October last, you requested me to inform you of any instances of distress. In compliance with which, I mentioned the names of two individuals, who I know were promptly assisted upon their applying to you, and others afterwards.

I am, Sir, &c.

(Signed) JAMES COLLIS.

H. Rivers, Esq., &c., &c., &c.

GRAHAM'S TOWN, 30*th August*, 1824.

SIR,—In reply to the letter, which you did me the honor to address to me this morning, I have to observe, that, as far as I know, the assertion, which has been made at a public meeting in Cape Town, that you had not time or inclination to attend to the distresses of the Settlers, is incorrect.

All those standing in need of attendance and medicines, have been uniformly referred to me, by you, with the utmost promptitude, and those requiring other comforts, have been regularly supplied with the same, from the stores sent here for that purpose. I have &c.

(Signed) ALEXANDER COWIE, District Surgeon.

H. Rivers, Esq., &c., &c., &c.

GRAHAM'S TOWN, 30*th August*, 1824.

SIR,—In answer to your letter of this day's date, I beg leave to inform you, that I do not recollect any instance, of individuals having stated to me, that you had not attended to cases of distress, among the British Settlers. I have &c.

(Signed) W. HAYWARD.

H. Rivers, Esq., &c., &c., &c.

(Copy—H.)

GRAHAM'S TOWN, 7*th September* 1824.

SIR,—I have the honor to acknowledge the receipt of your Letter of the 27th ultimo, transmitting, by direction of His Excellency the Governor, for my information, a copy of a Letter, and its Enclosure, which His Excellency had called for from Dr. Philip, relative to the statement made by him at the last Annual Meeting of the Settlers' Fund; and I have the honor to state to His Excellency, that, as the name of the family, which is reported to have been suffering from want, and not to have been relieved by the local Authorities, has been withheld by Dr. Philip, I am still unable to give more specific information than that afforded in my Letter of the 31st ultimo; but, as I have not any doubt that I have identified the case to which Dr. Philip alluded in his speech at the

Anniversary Meeting, I consider I have fully and satisfactorily repelled the calumnious assertion of that gentleman.

I must, however, in justice to myself, request, that His Excellency will require Dr. Philip and Mr. Rutherfoord to state the name of the Officer who gave them the information which Dr. Philip has promulgated, and the names of the persons represented to have been so distressed and neglected.

With regard to the unappropriated surplus of the Subscription made in 1822, I have the honor to state, that I have been in total ignorance of any such surplus existing, as I applied in December of that year, for any Sum which might be disposable, after paying for the articles that had been ordered, by His Excellency, to be provided for the relief and comfort of lying-in and sick women, to which object the Subscription had been specially devoted, and then received 500 Rds. which have been appropriated; and that no communication of a further sum having accumulated in the Bank has been made to me.

I do not feel it necessary, at present, to enter into any comment upon the evasive and uncandid nature of the Letter, and its Enclosure, from Dr. Philip, of which you have transmitted a Copy to me; but as he states, that he did not point out the Landdrost by his own name, nor by his official designation, but, that "one of the local Authorities," was his expression, I request Dr. Philip may be called upon to state, unequivocally, to whom he meant to allude by "one of the local Authorities."

I request also, that Dr. Philip may be called on to state what those "political causes" "connected with the sufferings of the Settlers" were, with which he was careful not to interfere; and, that if his intention be to insinuate that the conduct of the Landdrost, or the "local Authorities" towards the Settlers has in any way tended to create or aggravate any case of distress, he may state the instances; and further, that as he declares he argued against the adoption of a motion proposed by Mr. W. W. Bird, "from want of time" to attend to the business, "on the part of the local Authorities, and the Settlers," Dr. Philip may be required to state to what facts and circumstances he alludes, as evidence of the misunderstanding, with the existence of which he has been acquainted, but of which I declare my total ignorance.

I am not aware either of the knowledge which Dr. Philip may possess of the quantum of time at my disposal; nor do I conceive he has shewn that "respect," which he considers "due to the feelings of the Settlers," by endeavouring to interfere with, and shake their confidence in, the local Authorities, from whom, they have unqualifiedly declared, they have always received attention and consideration; but, on the contrary, it would appear, that he is now artfully and assiduously endeavouring to engender those feelings and dispositions, which he is desirous, for some reasons, should be supposed, and believed to have before existed; and that the "feelings of the Settlers" at large, have not been known, or consulted, in the line of conduct adopted by Dr. Philip towards the local Authorities.

With regard to the responsibility to which Dr. Philip alludes, for the result of the motion which was proposed, I consider it fortunate that an event should have occurred which has forced him to be open and explicit, and has afforded the opportunity or refuting calumnious reports; and I consider the "indignant" feeling, stated by Dr. Philip to have been felt by the Officer commanding the post, to be matter for private and personal explanation between himself and the Authority to whom he wrote, and not for Dr. Philip's comment.

I have the honor also, after referring His Excellency to my Letter of the 21st ultimo, respecting the statement publicly made at the Annual Meeting by Mr. Rutherfoord, to submit, in addition to those then transmitted, further documents, one of them being a paper, signed by upwards of two hundred Settlers, declaring such statement to be incorrect and unfounded, which have been forwarded to me by several individuals, in refutation and contradiction of Mr. Rutherfoord's assertions; by which I consider myself justified in stating, that Mr. Rutherfoord has wantonly defamed my character;—and in repeating my earnest request, that His Excellency will afford me redress and protection. I have &c.

(Signed) HARRY RIVERS.

To P. G. Brink, Esqre., &c., &c., &c.

(Copy. Enclosures to H.)

(No. I.)

GRAHAM'S TOWN, *2nd September*, 1824.

SIR,—Having heard that, at a meeting in Cape Town, it was stated, that you had not time, and if you had, you had not the inclination to listen to applications made to you by the Settlers, I have much pleasure in stating, that, in all the applications I have had occasion to make to you, you have shewn both inclination and wish to hear and serve me. There is one circumstance which I shall always remember with the greatest gratitude,—that three months since, when one of my family, my eldest son, was visited by the Almighty, not only with sickness, but ultimately with death, you, in the kindest manner, supplied me with comforts for him which I could not procure for money.

I feel myself bound in justice to make the above statement, and beg you will make what use you think fit of it.

I have &c.

(Signed) ROBT. WOOD BAGOT, Captain, H.P.
47th Regiment.

H. Rivers, Esq., &c., &c., &c.

CAFFRARIA, *September 2nd*, 1824.

SIR,—In reply to the queries proposed in your letter of the 29th ult., I have to say, that as far as has come within my knowledge, I consider the assertion referred to, and said to have been made at a public meeting in Cape Town, to be very incorrect.

During the time that I resided at Salem, it became my duty to represent to you the cases of several distressed individuals, —my applications were never ineffectual on the ground of any alleged want of time on your part to consider them, much less have I any reason to suppose, that you wanted inclination to relieve them. On the contrary, I have distributed relief to the distressed by your order; and I distinctly remember that we had several long conversations on the subject, in one of which you mentioned your determination to use your influence with

the Governor, to induce His Excellency to promote, by his patronage, a Subscription for the Distressed Settlers.

This was shortly afterwards carried into effect; and I happen to have by me a letter of yours bearing date 1st July, 1822, in which you communicate to me, in strong terms of satisfaction, the successful result of your representation to His Excellency on this head.

I am at all times strongly averse to taking any share in the unhappiness of party disputes, but being formally called upon, neither honor nor conscience allow me to hesitate in thus explicitly replying to your inquiries. I am &c.

(Signed) W. SHAW.*

H. Rivers, Esq., &c., &c., &c.

(Enclosure.)

Copy of a Paragraph of a Letter from H. Rivers, Esq., to the Rev. W. Shaw, bearing date, *Graham's Town, July 1st*, 1822:—

"You will see by the last Newspaper, that the Governor and Lady Charles Somerset have acted with great promptness and generosity on Mrs. Rivers' and my representation of the state of some of the Settlers, and that a liberal subscription has been commenced in Cape Town. I have also opened a subscription in Graham's Town, which, in the few hours that it has been known, has received an equally kind support. The civilians, inhabitants, and military, have contributed. Clothing for the lying-in women,—comforts for the sick and old,—and medicines will be sent from Cape Town immediately, and I shall shortly be prepared to receive your reports of cases deserving the relief intended to be dispensed by the proposed Committee. This is a subject which I have peculiar satisfaction in communicating."

(A true copy, from the original in my possession.)

(Signed) W. SHAW.

* The Reverend Mr. Shaw is a gentleman of great respectability, and a Wesleyan Minister attached to one of the Parties of Settlers in Albany.

GRAHAM'S TOWN, *September 2nd*, 1824.

SIR,—In reply to yours of the 29th ultimo, I beg leave to state, that I never witnessed any such conduct, or *disposition*, on your part, as therein mentioned, and have the honor to be &c.

(Signed) S. KAY.

H. Rivers, Esq., Landdrost.

PALMIET FONTEIN, *September 3rd*, 1824.

SIR,—In reply to your letter of the 30th ult. I beg leave to express my indignation at the attack made on your character, (at a Meeting in Cape Town) for a want of inclination to relieve the distresses of the Settlers, which accusation I consider to be totally unfounded. I have &c.

(Signed) JOHN CRAUSE.

H. Rivers, Esq., &c., &c., &c.

PALMIET FONTEIN, *September 4th*, 1824.

SIR,—In reply to your letter of the 30th ult., I beg to state that I am not aware of any instance of your having refused relief to Settlers in distress, and that consequently the assertion made use of (at a Public Meeting in Cape Town) is incorrect. I have further to add, that in any business you have had to transact for me, you have always shewn an inclination to meet my wishes, for which I feel much obliged, And am, &c.

(Signed) H. A. CRAUSE.

H. Rivers, Esq., &c., &c., &c.

BELTON, *September 4th*, 1824.

SIR,—In reply to your question, it affords me great satisfaction to state, that I have ever received immediate attention from you, when need has required my waiting upon you, and that I have always felt greatly obliged by the kindness of your manner upon such occasions. I have &c.

(Signed) WILLIAM WAIT.

H. Rivers, Esq., &c., &c., &c.

GRAHAM'S TOWN, *September 4th*, 1824.

SIR,—Having learnt with astonishment and indignation, that at a late Meeting of the Settlers' Fund Society in Cape Town, it had been stated, that you had not time nor inclination to

attend to, or relieve the distresses of the Settlers; and that in particular, a case of extreme distress had been alluded to, wherein you had refused assistance, although strongly urged thereto by the Officer commanding at Caffre Drift Post, I feel myself, in justice and in duty, bound to declare, that from my own personal knowledge to the contrary, such assertions are unwarranted, and have no foundation in truth whatever; and that, having been for upwards of two years last past in constant daily attendance at your Office, I am ready to make oath, that during that period, in no single instance, within my recollection, have you, among the numerous applications for relief, declined attending to, or refused to afford assistance to the necessitous, but that to every case of which I have had any knowledge, you have given the earliest attention, and afforded the most prompt and efficient aid.

As an individual among the British Settlers, and as an Englishman, I cannot but feel abhorrence and disgust at the means which have been resorted to, in order to excite the sympathy of the Public in their behalf; and if the characters of the Settlers, as a body, are to be shamefully traduced, and their Magistrates libelled and calumniated, to gratify the personal hostility or party spirit, of a self elected *Committee*, it then becomes an imperious duty on every honest mind to deprecate such proceedings, and to use every endeavour to prevent a generous public from being further imposed on by exaggerated misstatements and scandalous misrepresentations. I have &c.

(Signed) R. GODLONTON.

H. Rivers, Esq., &c., &c., &c.

(Copy. Enclosure to H.)

(No. II.)

ALBANY, 1*st September*, 1824.

Having heard it has been stated, that Mr. Rivers, the Landdrost of Albany, had not time to attend to the cases of distress among the English Settlers, and that if he had the time, he had not the inclination: we feel it due to that gentle-

man, to declare, that we consider the assertion to be incorrect and unfounded.

Miles Bowker, Head of Party.
Nathaniel Morgan, ditto.
Richard M. Satchwell, ditto.
William Lee.
William Cock, Head of Party.
Henry Lloyd.
John Mandy, Head of Party.
William Thackwray.
R. White, Act. Head of Party.
Jeremiah Honey.
G. Southey, Head of Party.
Carey Hobson.
S. Liversage, Head of Party.
Hezekiah Sephton, ditto.
Charles Mouncey, ditto.
Edward Turvey, ditto.
Richard Hayhurst, ditto.
William Pike, ditto.
Samuel James, ditto.
Charles Hyman, ditto.
Ralph Goddard.
William Bear.
Richard Peacock.
James Wright.
Charles Penny.
Thomas Holmes.
John Keevy.
Henry Ulyate.
Robert Godfry.
Samuel Allen.
A. M'Kenzie.
Joseph Rhodes.
George Howse.
Thomas Stringfellow.
George Blakemore.
Thomas Robinson.
Philip Dixie.
C. Adcock.
William Potter.
James Weeks.
William Penny.
Benjamin Booth.
James Kidd.
George Duffel.
Thomas Webster.
Thomas Palmer.
J. H. Halse.
James Hancock.
Joseph Stephens.
Richard Bowles.
George Belfort.
Benjamin Leech.
Robert Brady.
Frederick Hawkes.
William A. Morgan.
Charles Lucas.
Joseph Richards
John Cawood.
Samuel Bonnin.
Rev. W. Boardman, Head of Party.
William Trotter.
William Prynn.
James Hiscock.
Richard Harvey.
Charles Webb.
John Biggs.
George Ogilvie.
John Ellis Biggs.
George Taylor.
William Hogg.
William Biggs.
William Muire.
William Lacey.
Thomas Samuels.
Thomas Bingle.

Richard Prior.
Robert Pitt.
William Verity.
Joseph Ray.
John Armstrong.
Benjamin Wright.
William Bond.
Dennis Holland.
Thomas Kene.
James Leany.
Robert A. Pole, Acting Head of Party.
George Jenkinson.
Charles Wood.
Robert Rawlins.
James Rathbone.
Benjamin Norden.
George Clarke.
Henry Vokens.
James Fitzgerald.
Charles Grubb.
George Peach.
Donald McDonald.
Francis Fynn.
George Philips.
G. Dyason, Head of Party.
William Thomas.
James Thomas.
Charles Kesttell.
Sarah Cadle.
S. Mehrten.
William Tarr.
James Smith.
Samuel Hayes.
Giles Willan.
Thomas Page.
Henry Harper.
William Douglas.
John Poulton.
Thomas Bainbridge.
Edward Hely
James Richardson, Head of Party.
James Cowie.
George Tutter.
Peter Ellar.
Christopher Webb.
John Edkins.
Henry Sparks.
Thomas Clarke.
George Gatehouse.
Henry Sharp.
Robert Wilde.
Henry Marshall.
Patrick Keogh.
Isaac Wiggill.
George Faircloth.
Richard Freemantle
Robert Henman.
William Chadwick.
Timothy Divine.
John Wilson.
William Attwell.
William Dudge.
James Donovan.
Morris Slowman.
William Stanton.
Thomas Brown.
James Wheeler.
John Purdon.
Sarah Powel.
F. W. Hiles.
Thomas Brent.
Joseph King.
John Giddons.
Joseph King, sen.
Robert Foxcroft.
George Hodgkinson.
George Anderson, Acting Head of Party.
George Palmer.
Francis Allison.

RICHARD FORRESTER.
THOMAS MANLEY.
WILLIAM FORD.
WILLIAM MOUNTFORD.
ABRAHAM ROBINSON.
SAMUEL JENKIN.
ROBERT SAMPSON.
J. H. DIXON, Head of Party.
DAVID CAWOOD.
JOSEPH COOPER.
HENRY BRAN.
JOSHUA CAWOOD.
TOBIAS THARRAT.
WILLIAM CAWOOD.
JESSE PAXTON.
JEREMIAH LONG.
WILLIAM DENTON.
LUCK WELCH.
JOHN SANDERS.
C. WEDDERBURN, Acting Head of Party.
JOHN M. BOWKER.
WILLIAM M. BOWKER.
M. BRABIN BOWKER.
THOMAS HOLDEN BOWKER.
GEORGE WILLIAMSON.
JOHN JAMES.
JOHN BUCKLEY.
JOHN IVATTS.
JAMES WHITE.
GEORGE LYON.
JOSEPH THOMAS.
STEPHEN BROWN.
ABRAHAM COLYER.
WILLIAM BRALE.
JAMES LAPPAN.
WILLIAM ELLIOT.
WILLIAM CLAYTON.
BENJAMIN KERTON.
HENRY FOULDS.
WILLIAM HARTLEY.
GEORGE BROWN.
THOMAS TORR.
JOSEPH TROLLIP.
WILLIAM TROLLIP.
JAMES USHER.
JAMES RANDALL.
WILLIAM BARTLETT.
PHILIP HOBBS.
THOMAS LANHAM.
JOHN FORD.
WILLIAM ELLIOT.
THOMAS WILLIAMS.
CHARLES EVANS.
THOMAS JARMAN.
THOMAS OBERA.
JOHN OBERA.
JOHN WHITEHEAD.
THOMAS FODEN.
E. GRIFFITHS, Acting Head of Party.
WALTER CURRIE.
ALEXANDER BISSETT.
ISAAC DYASON, sen.
ISAAC DYASON, jun.
JAMES CARNEY.
THOMAS HARTLEY.
GEORGE ANDERSON, jun.
BENJAMIN HEWSON.
JAMES VICE.
DONALD GUNN.
SAMUEL WHITTLE.
EDWARD FORD, Head of Party.

(A true copy, from the original in my possession.)

(Signed) GEO. DYASON.

(Copy L)

COLONIAL OFFICE, 9th *September*, 1824.

SIR,—In further reference to my letter to you of the 20th ultimo, relative to the statement said to have been made by Dr. Philip, at the last Annual Meeting of the Settlers' Fund, I have received His Excellency the Governor's Commands to transmit to you herewith a copy of a letter which I addressed, by his direction, to Dr. Philip, requesting to know the names of the parties alluded to, together with a copy of that Gentleman's reply, for your information. I have &c.

(Signed) P. G. BRISK.

Harry Rivers, Esq., Landdrost of Albany.

(Copy—K.)

BEAUFORT VALE, 2*nd September*, 1824.

SIR,—When I had the honor of seeing you last, you may remember that I proposed to lay before you and the Committee for the distribution of the money received by the Settlers' Fund, a plan by which it might be laid out to the best advantage, as it may be productive either of the most beneficial or mischievous consequences, this plan, on the receipt of your letter, I committed to the flames, being determined to have nothing to do with those who have the management of the business, as, should it give general satisfaction they will arrogate to themselves the merit thereof; and if it meet with disapprobation, I know on whom they will lay the blame.

Although I detest party or political squabbles, yet I shall always feel happy in counteracting the effects of malevolence, and doing justice to calumniated merit. Having suffered much from secret malignity, I feel for my enemies in a similar situation; I leave you to judge therefore, what must be my feelings in behalf of those whom I have reason to consider as my friends.

From Capt. Crause, who slept at our house last night, I have the satisfaction to learn [redacted] has hitherto succeeded in his mission bey[redacted] every one, to whom he appli[redacted] of the calumny. Mr.

Rutherfoord, I trust, as a Gentleman, will give up his informant; if not, he ought to be compelled to do so, that the innocent may not be liable to unjust suspicion.

He will, no doubt, be detected, and we shall have the pleasure of seeing the dirt that he has thrown at those above him, fall upon his own head. If the infamous assassin who has had the audacity to calumniate His Excellency, can be detected, I would willingly ride as far as Cape Town, on a pack bullock, with rotten eggs in my pocket, to pelt the rogue in the pillory.

If Mr. Rutherfoord's assertions be intended to exclude you from any participation in distributing the benefactions, you are, in my opinion, under great obligations to him. It will be an arduous, invidious, and (from the persons with whom you would necessarily be connected) a most unpleasant business. For my part, although I most sincerely desire the prosperity of the Settlers, I will not throw away a word of advice upon the junto; if they be puzzled, as I believe they will, how to dispose of the money, they may throw it, for ought that I care, into the Great Fish River.

Solomon says, that "out of the abundance (or overflowing) of the heart the mouth speaketh;" you will therefore be pleased to excuse this incoherent rhapsody, and believe that I am, Sir, &c.

(Signed) WM. BOARDMAN.

H. Rivers, Esq., Landdrost of Albany.

(Copy—L.)

GRAHAM'S TOWN, 14th *September* 1824.

SIR,—With reference to my letters of the 31st ultimo and 7th instant, I have the honor to submit to His Excellency the Governor, in further refutation of the statements made by Dr. Philip and Mr. Rutherfoord, at the Annual Meeting of the Settlers' Fund, a copy of a letter addressed to me by Mr. J. Bailie, head of party. I have &c.

(Signed) HARRY RIVERS.

P. G. Brink, Esq.

(Copy—Enclosure to L.)

GRAHAM'S TOWN, *9th September*, 1824.

SIR,—I have the honor to acknowledge the receipt of your letter of yesterday's date on the subject of the distresses of the late W. Harden and his family; and as to your inattention to the sufferings of the Settlers generally, as stated at a public meeting at Cape Town.

The circumstance of Harden's death-bed being the very bed on which his wife was confined, may have arisen from their having but one sleeping room, but their bed was a very large one, and there was another bed place in the same room, which I am not at this moment prepared to say was, or was not, occupied by Mrs. Harden at that time. Harden was constantly attended by the medical officers at Caffre Drift Post, Messrs. Morgan and Mair, and was frequently visited by Captain Clarke, and from the whole of these gentlemen he received many presents of necessaries and comforts. The family were never during any period of these afflictions in want, as their account with me, for meat, flour, rice, tea, and sugar, can testify, besides which, a subscription to a considerable amount was raised during his illness amongst his fellow tradesmen, and a supply of comforts was also furnished by your direction.

The child was buried in the garden at Harden's request, and he was subsequently interred beside the child, at Mrs. Harden's desire, although a grave had been prepared for him, with considerable labour, in the public burial ground. Subsequent to his death, you may remember having directed me to purchase for the widow a good milch cow, or what other immediate necessaries she might be in want of, on your personal guarantee, until the next meeting of the Fund Committee should sanction an issue to her.

To the conclusion of your letter, on the subject of your general inattention to the distresses of the Settlers, and your not having time or inclination to relieve the objects who might present themselves to you for that purpose, living remote, as I do, from the Drostdy, I can only speak to what has come to my immediate knowledge. I applied to you on behalf of Mrs. Harden, and Henry Lloyd, and was immediately attended to, and obtained the required assistance. J. P. Adams, to my know-

ledge has also obtained repeated and considerable assistance from you, which, with the other two cases, are the only three cases in my former party that have ever yet applied to you. I can further assure you, that in the little intercourse I have with my fellow settlers, I have not heard any complaints in support of the broad assertion so highly prejudicial to the general character I have always heard of you, both in your private and official capacities. I have &c.

(Signed) JOHN BAILIE.*

H. Rivers, Esq., &c., &c., &c.

(Copy—M.)

CAPE TOWN, 13*th September*, 1824.

SIR,—I have the honor to acknowledge the receipt of your letter of the 30th ult. which only reached me this day, owing to the great rains in this quarter.

In reply to that part of your letter which states, that at a Public Meeting of the Members of the Fund for the Distressed Settlers, "It was stated that you had not time to attend to the distresses of the Settlers, and that if you had time, you had not the inclination."

I must observe, that from my own knowledge, I have always found you ready and willing to afford your time to attend to the representations I have made to you on various occasions, and the many instances in which you have granted relief to the Settlers upon a proper representation.

These are convincing proofs to my mind, of your willingness to afford your time, and further proof of your inclination to attend to the distress of the Settlers.

I have also heard from various and good authority, of the great attention of your Lady to the applications of the lying-in women, and granting them necessary comforts required for such a situation.

These are to my mind satisfactory evidence against the above statement. I have &c.

(Signed) C. T. THORNHILL.

H. Rivers, Esq., &c., &c., &c.

* The Reader will not fail to compare the contents of this letter, and of Mr. Godlonton's, with Dr. Philip's statement relative to Mr. Harden's family.

(Copy—N.)

COLONIAL OFFICE, 15*th September*, 1824.

SIR,—I am directed by His Excellency the Governor, in reference to your letter of the 28th ultimo, in which you observe, "that you do not feel competent to disclose the name of the Military Officer, to whom you alluded at the General Meeting of the Settlers' Fund Society on the 18th ultimo," to request that you will have the goodness to inform His Excellency of the name of the suffering party, for whose relief, it is stated, application had been made in vain to one of the Authorities at Graham's Town. I have &c.

(Signed) P. G. BRINK.

Rev. Dr. Philip.

(Copy—O.)

CAPE TOWN, 22*nd September*, 1824.

MY LORD,—I have the honor to acknowledge the receipt of a letter, 15th September, from the Colonial Office, requesting me to furnish your Excellency with the name of the suffering Family, for whose relief application had been made in vain to one of the Local Authorities in Albany.

In reply to your Excellency's request in this communication, I am sorry to be under the necessity of saying, that I cannot at present (for particular reasons which I cannot now specify) comply with your Excellency's request; but I have the satisfaction of informing your Excellency, that I have written to Albany upon the subject by the last Post, and that on receiving a reply to this letter, I shall then be at liberty to say, whether I can disclose the names of the parties. I have &c.

(Signed) JOHN PHILIP.

To His Excellency the Right Hon. General Lord Charles Henry Somerset, Governor and Commander in Chief, &c., &c.

(Copy—P.)

COLONIAL OFFICE, 24*th September*, 1824.

SIR,—Adverting to my last communication to you, dated the 9th instant, relative to the statement said to have been

made by Dr. Philip at the last Annual Meeting of the Settlers' Fund, I am commanded by His Excellency the Governor to transmit to you herewith a copy of a letter which I addressed by his direction, to Dr. Philip, on the 15th instant, requesting to know the name of the suffering party alluded to, together with a copy of that Gentleman's reply, for your information.

I have &c.

(Signed) P. G. BRINK.

Harry Rivers, Esq., Landdrost of Albany.

(Copy—Q.)

GRAHAM'S TOWN, 21*st September*, 1824.

SIR,—I have the honor to acknowledge the receipt of your letter of the 9th instant, transmitting, by desire of His Excellency the Governor, a copy of a letter addressed by you to Dr. Philip, requesting to know the names of the parties alluded to in the statement made by him, at the last annual meeting of the Settlers' Fund, together with a copy of that gentleman's reply; and I have the honor to repeat my request to His Excellency, that Dr. Philip may be required to state the names of the officer and the persons represented to have been in distress.

I shall not animadvert at this time on the conduct or motives of the officer, in enjoining Dr. Philip to conceal the circumstances he had related to him, or of Dr. Philip, in receiving the information under such injunction; but with reference to my letters of the 31st ultimo, 7th and 14th instant, I have the honor to submit to His Excellency, in refutation of the statement publicly made by Dr. Philip and Mr. Rutherfoord, copies of a letter, addressed to me by Mr. W. Owen, Head of Party, and of a further declaration, signed by twenty-eight Settlers.

I have &c.

(Signed) HARRY RIVERS.

P. G. Brink, Esq., &c., &c., &c.

(Copy—Enclosures to Q.)

SPANISH REED PLACE, 12*th September*, 1824.

SIR,—Having been recently informed of a most unmanly and malicious report, which has been industriously circulated in Cape Town, stating your conduct in your official capacity towards the Settlers in your District, (with a view no doubt of effectually prejudicing your character,) to be such as to warrant an assertion, that you have not their interest at heart; permit me, Sir, to say, that I feel bound, both in honor and in gratitude, from the prompt attention to business, and the polite treatment which I have at all times received from you, to contradict a statement, so evidently founded in error, and further, that I am well acquainted with, and will particularize, should it be made a question, several instances of private kindness, which could alone emanate from feelings of benevolence.

I have no hesitation, Sir, in hazarding an opinion, that from the large and respectable list of names, which will appear to falsify this statement, that, in the minds of all good and disinterested men, your character for philanthropy will be more firmly established, than before you were thus undeservedly stabbed in the dark. Allow me, Sir, with my most sincere wishes for the health and happiness of yourself and family, to subscribe myself, with great respect, &c.

(Signed) W. S. OWEN.

H. Rivers, Esq., &c., &c., &c.

ALBANY, 15*th September*, 1824.

Having heard it has been stated, that Mr. Rivers, the Landdrost of Albany, had not time to attend to the cases of distress among the English Settlers, and that if he had the time, he had not the inclination; we feel it due to that gentleman, to declare, That we consider the assertion to be incorrect and unfounded.

J. WAINWRIGHT, Head of Party	W. HOLDER, Head of Party
JAMES MOORCROFT	GEORGE SMITH, ditto
FRANCIS NIBBS	JOHN ROWLES
THOMAS WHITE	WM. SEYMOUR
	FRANCIS WITTAL

Francis P. Bentley	William Blair
William Stirk	Robert Stock
Peter Teagon	Thomas Baker
T. Rowles, Head of Party	William Rickards
	Robert Wicks
John Duffy	John Smith
John Henry Heath	Thomas Jenkins
Richard Attwell	W. S. Owen, Head of Party
Henry King	P. R. Marillier
John Maytham	Philip King.

(Copy—R.)

Colonial Office, 27*th September* 1824.

Sir,—I am directed by His Excellency the Governor, in acknowledging his receipt of your letter of the 22nd instant, in which you inform him that you cannot, for particular reasons, comply with His Excellency's request, of furnishing him with the name of the suffering family in Albany, which has been the subject of a late correspondence, to request you to say if the name of the Family be Harden; —inquiries which have been made by His Excellency leading him to conclude, that *that* was the Family alluded to in your speech on the 18th of August.

His Excellency will feel greatly obliged by an early reply.

I have &c.

(Signed) P. G. Brink.

The Rev. Dr. Philip.

(Copy—S.)

Cape Town, 28*th September*, 1824.

My Lord,—In reply to your Excellency's letter of the 27th instant, I beg leave to inform your Excellency, that to the best of my recollection I believe your Excellency has been correctly informed as to the name of the Family alluded to in this correspondence. I have &c.

(Signed) John Philip.

To His Excellency the Right Hon. General Lord Charles Henry Somerset, Governor and Commander in Chief, &c., &c.

Appendix.

Dr. Philip having asserted at the General Meeting of the Society for the relief of Distressed Settlers, on the 18th of August, 1824, "That a Sum of Money amounting to Rds. 2400, which had been collected by another Society, under the immediate patronage of Government, had been allowed to lay in the Bank unappropriated ever since December, 1822, a period of nearly two years, during which the sufferings of the Settlers were at the greatest height;—this fact," Dr. Philip added, "speaks for itself,—it requires no comment:" it has been deemed necessary to draw out a precise statement of the Receipts and Expenditure of that Fund, that the Public may judge for themselves.

Receipts.

	Rds.	sk.	st.
Amount of Voluntary Subscriptions . . .	4,262	0	0

(A long list of the items of expenditure follows, the whole amounting to Rds. 4,392 1 sk., showing a balance of expenditure over receipts of Rds. 130 1 sk. It cannot be necessary to give this list here.—G. M. T.)

[Enclosure No. 11 in the above.]

Extracts from a Statement of all the Facts connected with the late Divisions in the Scots Church, London Wall. By the Rev. Archibald Barclay, A.M. 1815. From Page 73 to Page 113, and from Page 154 to Page 162.

At a general meeting of the members and subscribers to the Scots Church of London Wall, held at the King's Head Tavern in the Poultry, on Monday the 31st October, 1814.

Mr. Arthur Glennie in the Chair.

The correspondence that had taken place between the committee and the vestry having been read,

It was reported to the meeting by Mr. Geddes M. Simpson, one of the subscribers to the said Church and a member of the committee, that on Saturday last, the 29th October, Mr. J. L. Johnson, one of the elders of the said church, waited upon him, on behalf of himself and brother elders, to state, that *since they had fixed the 2d of November,* as the time for submitting

to the decision of the congregation the question of the admission of the Rev. Wm. Rannie, to become a candidate for the vacant pastoral charge of the said church, the Rev. Dr. Nicol *had received a letter* from a clergyman in Aberdeen, which letter he (Dr. Nicol) had handed over to the elders, and it was then in their possession. Mr. Johnson did not state the name of the writer of this letter, but said, the purport of it was, "that the writer having given to the Rev. Mr. Rannie a very strong recommendatory letter and most honorable testimonials, as to his moral character, talents, and general fitness for any pastoral charge, had now written the letter in question in consequence of a *change in the conduct and manners* of Mr. Rannie, and therefore retracted whatever he might have said in favor of that gentleman in his former letter, he now being of opinion that he (Mr. R.) was *not worthy of such recommendation or testimonials.*"

Mr. Johnson further added, that if the question of Mr. Rannie's admission to become a candidate was persisted in, the elders would feel themselves under the necessity of reading this letter to the members and subscribers on the 2d Nov. before the question of such admission should be put. Mr. Simpson asked Mr. Johnson whether it was meant that he (Mr. S.) should lay before the meeting, intended to be held on the 31st instant, the substance of his (Mr. J.'s) present communications as official, from himself and brother elders; Mr. Johnson said, *that* was the intention of his visit, and in answer to Mr. Simpson's request to be favoured with the letter in question, in order to lay it before the meeting, Mr. Johnson said he could not comply with such request *without the sanction of his brother elders*, but that they were to have a meeting on Sunday morning, when he would mention the circumstance, and either personally, or by writing, communicate the result on Monday morning.

On Monday morning, the 31st Oct., Mr. Johnson again waited upon Mr. Simpson, and put into his hands a letter, of which the following is a true copy, viz.

ABERDEEN, 23 *Sept.* 1814.

REV. DEAR SIR,—I have altered my opinion of Mr. Rannie since I wrote the introductory letter which I gave him to you.

Had I, at that time, known as much of the *change* which has taken place upon him since he left Aberdeen to reside in Banffshire as I do now, I should have never introduced him to you as a candidate for London Wall. Professor Kidd will explain to you the circumstances under which I *recommended* Mr. Rannie to your notice; *and you are at full liberty to make any use of this letter you please.* Wishing you every blessing,

I am &c.

(Signed) JOHN PHILIP.

The writer of this letter, Mr. John Philip, it is ascertained is not a clergyman of the established church of Scotland; but it appears that he did give to the Rev. Mr. Rannie a very strong recommendatory letter to the Rev. Dr. Nicol, which letter the Rev. Dr. stated to the congregation at London Wall, had by some means or other been *mislaid;* it therefore did not form any part of the credentials of the Rev. William Rannie delivered to the elders by the friends of that gentleman.

The foregoing report having been taken into the most serious consideration of the meeting, it was *Resolved unanimously*, That the character of the Rev. Mr. Rannie being defamed in a letter from a Mr. John Philip of Aberdeen, dated the 23d September, 1814, and addressed to the Rev. Dr. Nicol, and by him handed over to the elders of the Scots Church of London Wall, which letter must necessarily tend to the material prejudice and injury of the said Mr. Rannie, and frustrate his claims as a candidate for the vacant pastoral charge of the said church.

That fair fame is the greatest ornament of human nature, and being considered necessary to individuals in general, is most essentially necessary to the sacred character of a clergyman.

That the members and subscribers present feel themselves bound in duty as men and as christians, to give all credit to the first testimonials produced by the Rev. Mr. Rannie, as to his character and talents, until the contrary is clearly and satisfactorily proved.

That this meeting, therefore, with a due respect for the

character of the Rev. Mr. Rannie, and in the spirit of christian charity and fairness, do require the elders of the said church to postpone the intended question, of the fitness of the said Mr. Rannie to become a candidate for the vacant pastoral charge of the Scots Church, until the present apparently mysterious attack upon this gentleman's character, be either confirmed or disproved.

That, for this purpose, the elders and trustees are hereby requested to address letters to the Rev. Dr. Gilbert Gerard, professor of Divinity in the King's College of Aberdeen, and the Rev. Mr. Aber. Gordon, minister of Banff, to whom the Rev. Mr. Rannie is well known, and from whom he had most honorable testimonials (now in the hands of the elders) entreating them to communicate to the elders, whether since the date of the testimonials so given in favor of Mr. Rannie, they have had any reason to alter their good opinion of that gentleman, and whether they have heard or known of any impropriety or immorality in his conduct, which might induce them in any way to retract the excellent character they formerly gave to him.

And, that this meeting do further request, that the elders will communicate to them the answers they may receive to such letters; previous to which communication this meeting most solemnly protests against any steps being taken with respect to the intended election.

Resolved unanimously,

That the chairman of this meeting be requested to write to Mr. John Philip, for a full and clear explanation of his letter addressed to the Rev. Dr. Nicol, dated 23d September, 1814.

Also, the correspondence that has taken place between the elders and the Rev. Mr. Archibald Barclay; and sundry testimonials, in favor of that gentleman, having been read, It was

Resolved, that it be recommended to the elders, to allow the said Mr. Archibald Barclay to be heard by the congregation as a candidate, there being sufficient time for so doing; and that the chairman of this meeting address a letter to the elders for this purpose.

Resolved, that the foregoing resolutions be signed by the

chairman, and a copy thereof transmitted to the elders by him.

ARTHUR GLENNIE.

KING'S HEAD, 31*st Oct.* 1814.

In consequence of the preceding report and resolutions, the following letter was addressed to the vestry.

To the elders of the Scots Church, London Wall.

GEORGE STREET, MINORIES, 2*d Nov.* 1814.

GENTLEMEN,—Inclosed, I beg leave to hand you the report made by Mr. G. M. Simpson to the general meeting of the members and subscribers to the Scots Church, held at the King's Head Tavern, in the Poultry, on the 31st ulto. with sundry resolutions passed at said meeting, to which I must request your most particular attention. Indeed I cannot for an instant suppose that there will be the least reluctance on your part to comply with the wishes of the members and subscribers expressed in the enclosed resolutions; for even the very enemies of Mr. Rannie (if he has any) must, upon the present occasion, be actuated by sufficient liberality and fairness, to pause before going to the question, which was intended for this night's discussion, under such a cloud as the defamatory letter which has been handed to you, throws upon this gentleman's character. And it is my opinion, as well as the opinion of the gentlemen with whom I act, that the respectability of the Scots Church is so deeply involved in this business, that I trust every assistance will be rendered by you to procure the most clear and satisfactory elucidation of it. I am Gentlemen, &c.

ARTHUR GLENNIE.

Agreeably to the notice promulgated from the pulpit on the 23d of October, the congregation assembled in the church on the evening of Wednesday, the 2d of November. The report made by Mr. Simpson to the general meeting of the members and subscribers on the 31st of October, and the resolutions transmitted by the chairman of that meeting to the elders, having been read, the Rev. Dr. Nicol, who presided, made a speech; in which he endeavoured, with great ingenuity and

uncommon eloquence, to persuade the congregation that Mr. Philip's letter of the 23d September, had not the least meaning in the world, or that, at farthest, it could only allude to Mr. Rannie's *reading* instead of *preaching* his sermons. Mr. Liddle, in reply to the Doctor's animated harangue, asked him a simple, but certainly a very irreverent question. "Why," demanded the chairman of the committee, "did you make that letter public, if it means nothing? It is evident, from the conduct of the vestry, that *they* think it not only means something, but that it means something very bad, for they have attached no ordinary importance to it." To this question the Rev. Doctor replied, that "his conscience compelled him to make it public, and that he was answerable to his master and not to Mr. Liddle." The *energy* with which these words were spoken, prevented the chairman from putting any more interrogatories to the president that evening. The Rev. President having proved unsuccessful, in his attempt to palliate Mr. Philip's letter, he suggested, and it was unanimously agreed upon by the congregation, that a joint committee should be formed, consisting of the elders and an equal number of gentlemen from the committee of members and subscribers, for the purpose of corresponding with the clergymen in Scotland, who had given Mr. Rannie testimonials, in order to ascertain the nature of the change to which Mr. Philip alluded in his letter. The question respecting Mr. R.'s admission was therefore postponed, until the result of the investigation should have been laid before the congregation.

Next morning the following note was addressed, by Mr. Glennie, to Mr. Dobie.

No. 4, George Street, Minories,
3*d November*, 1814.

Mr. Glennie presents his compliments to Mr. Dobie, and requests to be informed when and where it will be convenient to proceed in the business of the committee, agreeable to the appointment of last night.

To which Mr. Dobie replied, thus:

Mr. Dobie presents his compliments to Mr. Glennie, and informs him, as he will recollect, on second reflection, that he (D.) declared off having or taking upon him any part or concern

in any such committee, as mentioned on Wednesday evening—his age disqualifying him from entering into controversies, although he wished to be as useful as he was able—and therefore he cannot give Mr. G. any information on the subject he writes. Indeed, D. fully understood on Wednesday evening, that Mr. Glennie and his associates then agreed, and voted some gentlemen as a committee, from among themselves, to correspond and obtain the information and satisfaction they wished, in regard to Mr. Rannie; and he believes his brethren of the vestry understood the same, although he has not since seen or conversed with any one of them to speak decidedly; but he knows that they were once of the mind, that as, without any enquiry, they were fully satisfied as to Mr. Rannie; and that the congregation must, from the information by himself, be able to judge; therefore no further enquiry by them was necessary; therefore D. thinks the enquiry and correspondence must lie with Mr. Glennie and the other gentlemen associated; and thinks no time should be lost, if any such is really intended. As to the two letters, which were much the subject of observation, Mr. D. dismissed them from his mind—at least they weighed nothing with him.

CRANE COURT, FLEET-STREET, *4th Nov.* 1814.

This reply of the secretary not being considered satisfactory, and the committee wishing, if possible, to have the co-operation of the elders, the following letter was addressed to the acting secretary.

GEORGE STREET, MINORIES,
5th Nov. 1814.

To Mr. J. L. Johnson.

SIR,—In consequence of the recommendation of the Rev. Dr. Nicol, and the resolution of the congregation passed thereon, on the evening of Wednesday the 2d instant, with respect to the letters produced and then read, I have applied to Mr. Dobie, to know when and where the elders of the Scots Church would meet the committee of the members and subscribers, in order to give effect to said resolution. It appears, however, by a note received from Mr. Dobie, that he wishes to be excused from having any interference in the correspondence that has become necessary on this occasion; but at the same time, mentions his not having since conversed with his brother

elders on this business, and therefore does not wish to answer for them. Your having hitherto been the organ of the correspondence of the elders, is the reason of the present application, to know if it is the intention of the elders to decline complying with the unanimous vote of the congregation, in co-operating with the committee, for the purpose of conducting such correspondence as may be necessary; and, as Mr. Dobie justly remarks, that no time should be lost, I beg you will favor me with a reply as early as possible. I am Sir &c.

(Signed) ARTHUR GLENNIE.

NO. 28, CITY ROAD, *7th Nov.* 1814.

Mr. A. Glennie.

SIR,—Upon coming home late on Saturday evening, I found your letter of that date, in reply to which I beg leave to inform you, that the elders who met yesterday, agree with me in declining to take any part in the proposed correspondence relative to Mr. Rannie, and fully coincide in the reply given to you by Mr. Dobie on the same subject. I am &c.

(Signed) J. L. JOHNSON.

The elders having thus declined to interfere, the committee addressed the following letter, by their chairman, to

The Rev. Dr. Gerard, of Aberdeen;
Rev. Abercrombie Gordon, Banff;
Rev. Alexander Milne, Boindie;
Rev. John Anderson, Fochabers.

WHITE LION STREET, *Nov.* 7, 1814.

REV. SIR,—As chairman of the committee of members and subscribers to the Scots Church at London Wall, I take the liberty of addressing you, respecting the Rev. Wm. Rannie, formerly of Aberdeen, but now residing at Banff; to whom you gave a letter of recommendation, previous to his coming to London, to offer himself a candidate for the vacant pastoral charge of the Scots Church; and in order that you may fully comprehend the importance of my present application, it will be necessary to go into some detail of the circumstances that have occurred to produce it. Upon Mr. Rannie's arrival in

London, he was informed by the elders of the church, that he could not be allowed to preach, as the nomination (as they termed it) had taken place, but the fact was, they had made a partial nomination, without consulting with the congregation, and in direct opposition to the wishes of many very respectable subscribers to the church.

However, after some delay, they did consent that Mr. Rannie should be allowed to preach; this he did several times, very much to the satisfaction of a majority of the church, and the elders were required to allow Mr. Rannie to be placed upon the list of candidates, with the other gentlemen who had been heard; this they refused to do, although several general meetings of the members and subscribers to the church were held, and requisitions to this effect delivered to the elders. It therefore became necessary to form a committee, for the purpose of corresponding with the elders, and of supporting the rights of the congregation, agreeably to the deed of settlement of the church. On the 26th May, a meeting of a deputation from the committee and the elders took place, when it was mutually agreed, that the question respecting Mr. Rannie's being admitted a candidate or not, should be left to the decision of the congregation; but notwithstanding many applications made to the elders by the committee, they could not prevail upon them to fix a day for discussing and settling this question earlier than the 2d November. I should here mention, that up to this period the *most serious* charge made against Mr. Rannie by the elders, appeared to be, his occasionally using notes, to assist him in his discourse.

On the 31st October (two days only before the intended meeting, to be held in the church, as had been publickly notified by the elders) one of them called upon a member of the committee, to say, that if Mr. Rannie's nomination was persisted in, the elders would consider it their duty to lay before the congregation a letter that had been received by the Rev. Dr. Nicol, and had been by him handed to the elders, and of which the following is a copy.

ABERDEEN, *Sept.* 23, 1814.

REV. DEAR SIR,—I have altered my opinion of Mr. Rannie since I wrote the introductory letter which I gave him to you. Had I at that time known as much of the change which has

taken place upon him since he left Aberdeen to reside in Banffshire as I do now, I should have never introduced him to you as a candidate for London Wall. Professor Kidd will explain to you the circumstances under which I recommended Mr. Rannie to your notice; and you are at full liberty to make any use of this letter you please. Wishing you every blessing.

I am &c.

(Signed) JOHN PHILIP.

This letter was accordingly submitted to the committee at a meeting held on the evening of the 31st October, and sundry resolutions were then adopted, expressive of the concern the committee felt at the production of a letter which appeared to them to be a most diabolical attempt to injure and ruin the cause of a young man who had appeared to the committee to be deserving of their support; and as they had been using their endeavours to procure him that justice the elders had refused, they could not consent that the question intended for discussion on the 2d inst. should be entered upon, until the charge against Mr. Rannie should be either confirmed or disproved. In consequence of such resolutions being delivered to the elders, and the committee solemnly protesting against any proceeding taking place without further information, the Rev. Dr. Nicol, at the meeting which was held in the church on the 2d inst. proposed, and it was unanimously agreed upon, that a committee should be formed, to consist of a certain number of gentlemen, to be chosen from among the elders and the committee of the members and subscribers, to correspond with such gentlemen in Scotland, as might be able to give the necessary information as to the present conduct and character of Mr. Rannie. It is needless for me to point out to you the importance of such a mode of proceeding. The committee feel it a duty, to their own character, to the cause of justice and impartiality, and to the future welfare and respectability of their church. Under such circumstances, I am sure you will readily excuse the trouble I am putting you to, in requesting you will, as early as possible, inform the committee through me, whether, since the date of the letter given by you to Mr. Rannie, you have had any reason to alter the good opinion

you formerly entertained of that gentleman, and whether you have heard or know of any impropriety or immorality in his conduct, which might induce you, in any way, to retract the excellent character you formerly gave to him. Further, I beg leave to request that you will be so obliging as to give any additional information, with respect to Mr. Rannie's character and talents, that may be in your possession, it being in fact the cause of religion, of justice, of impartiality, and even of humanity itself, that the committee are now advocating; respecting which they wish to be possessed of every information possible; it being their determination to use every exertion in their power to support their own rights, and, at the same time, to act with that impartiality that has characterized all their proceedings. Requesting as early a reply as you conveniently can, and your kind indulgence for thus trespassing upon your time, I am, &c.

(Signed) JOHN LIDDLE.

To this circular the chairman of the committee received the following answers:

FOCHABERS, 12*th Nov.* 1814.

SIR,—I have received your letter of the 7th instant, respecting the Rev. William Rannie; and though much engaged at this time with other matters, I consider it a call of duty to reply to it in course.

The opinion that I formerly stated of him, when he went to offer himself as a candidate for the church at London Wall, was the result of those impressions which his public discourses, as well as his sentiments and conversation in private, made on my mind at the time, without having had much previous acquaintance with him. But I had cause to know that he had received a strictly moral and religious education; and I had no ground to suspect, or reason to believe, that he had rendered himself, by any part of his conduct, undeserving of patronage and encouragement. Had I known such to be the case, instead of expressing a favourable opinion of him, I should have refused to give him even a common letter of introduction.

Since then I have heard nothing to induce me to change my sentiments; and of the truth of this assertion, you, Sir! and the committee will be the more fully persuaded when I mention,

that on my late assistant's having obtained a settlement in the church, I recommended Mr. Rannie to the patron of my parish, who pays the salary, to fill the same office; and both he and the people were pleased to signify their approbation of the choice I had made.

He does not possess that chaste and correct taste in composition, which practice and a maturer judgment may, perhaps, give him, neither were his discourses in all particulars, conformable to my ideas: but where the disposition is good, and a willingness to improve is manifested, he must be a severer censor than I am, who would condemn a young man at twenty-four—with many requisites that give a promise of his becoming an able public speaker by application and diligence—because he does not possess a wider range of information, and the ripened understanding of sixty. Had he been preferred to London Wall, and encouraged by kind treatment, I have no doubt that in a short time he would have given satisfaction to his audience, and have become useful in his station. From the candidates who offered, however, the elders and congregation had an undoubted right to choose the one that was most agreeable to themselves; and had they merely rejected him, without assigning any cause for doing so, no blame could have been imputed to them, nor would he have had any right to complain. But the measures adopted, in the first instance, to prevent a fair competition, and the means resorted to, latterly, to create a prejudice against him, appear highly improper, and are so inconsistent with the spirit of christian charity and candour, that one might be almost tempted to believe they had originated—not with a body of pious and respectable elders—but with some individual versant in professional chicane and cunning, to whom dissension is gain. The letter from Aberdeen signed by Mr. Philip, cannot be too strongly reprobated. The intention is sufficiently evident from the clause authorizing his correspondent to make what use of it he inclines. But as he formerly recommended the young man as deserving of attention, he should have stated distinctly the reasons that led him to change his opinion; and not have thrown out a general insinuation against his principles, which must tend to injure him, not only in London, but in every other place. It has now become necessary to him to persevere

in this very unpleasant struggle, in vindication of his own character; for if it shall be proved that he has been guilty of any immoral conduct, or has done anything that unqualifies him for the public ministry, the sentence pronounced will affect him in the remotest corner of the island; and I shall certainly not receive him as an assistant, if rejected by the congregation at London Wall—*on this ground.*

But for the malignant form which the proceedings have now assumed, I should have advised Mr. Rannie to resign his pretensions, that your divisions might be healed; or at least that he might be no obstacle to your unanimity. But as his character has thus wantonly been made the sport of opinion; and his future advancement in life must be impeded by the insinuations thrown out against him, if he withdraws from the contest from a fear of the consequences, I think the friends who have hitherto supported him ought, in justice both to him and themselves to persevere, till by a public, calm, and unbiassed judgment of the congregation, he is either elected, or set aside; which, in the painful dilemma that he is now reduced to, may be regarded by him as a sentence of acquittal, or condemnation. I have &c.

(Signed) J. ANDERSON.

John Liddle, Esq.

MANSE OF BOINDE, 16*th Nov.* 1814.

SIR,—Your letter of the 7th I duly received, and referring to the letter of recommendation I gave Mr. Wm. Rannie in March last, I can have no hesitation in stating that no circumstance whatever has to my knowledge occurred that can in any degree lessen the favourable opinion I then entertained of him. On the contrary, as since his return from London, he has resided chiefly with his friends in this parish, I have had much of his company and conversation, as well as frequent opportunities of hearing him preach, and must in justice say, that it has in no small degree tended to confirm the very good opinion I had formerly of him.

I cannot conclude this letter without observing, that the letter of Dr. Nicol's Aberdeen correspondent, appears to me, most insidious. Had any circumstance occurred to make him alter his opinion of Mr. Rannie, it would have been but fair, candidly to have stated such circumstance, that the young

man might have an opportunity of vindicating himself, had he considered it necessary. I flatter myself, however, that your committee will now fully expiscate the matter, and have no doubt but Mr. Rannie's character will bear the strictest scrutiny. I ever am &c.

(Signed) ALEX. MILNE.

Mr. John Liddle.

MANSE OF BANFF, 16*th Nov.* 1814.

SIR,—I am favoured with your letter of the 7th inst., and have read with due attention, the detail of circumstances which have occasioned your application to me, respecting Mr. Wm. Rannie.

It is no more than an act of common justice to that gentleman to declare, which I now do, without hesitation, that I have no reason to alter the good opinion which I formerly entertained of him, and that I neither know, nor have heard of any impropriety or immorality in his conduct which might warrant me to retract the good character I have already given of him.

I have been personally acquainted with Mr. Rannie for several years. His connections are respectable, and many of them are members of my congregation. Mr. Rannie is much liked in this place, and greatly admired as a preacher. He is esteemed a sensible young man, of good disposition, and circumspect in his whole deportment. The only *irregularity* I can lay to his charge is, his having made application to the Rev. Mr. John Philip, for an introductory letter or certificate, as I have been informed that he is a gentleman subject to *sudden alterations in his opinions.*

I have not seen Mr. Rannie since I received your letter, but it would certainly be my advice to him, to withdraw his name from the list of candidates for London Wall Church. In that situation his comfort and usefulness would, I fear, suffer materially from the marked opposition of the elders, although their most serious charges against him, seem to be "his occasionally using notes in the pulpit," and *his having forfeited the good opinion of Mr. John Philip,* charges which would tend to recommend him to many respectable congregations in this country. In the mean time, I must do Mr. Rannie the justice to mention, that he entertains a most grateful sense of the

kind and unwearied exertions of his friends in London on this occasion, and I am persuaded he feels anxious, on their account, as well as his own, to vindicate his good name, and wipe away the aspersions, conveyed by the seemingly malevolent insinuations in Mr. John Philip's letter.

Having done this, which he will find an easy task, he will, I trust, rest satisfied for the present, with the respectable appointment he has obtained in this country, as an assistant to a clergyman who is his particular friend and relative.

Sincerely wishing the congregation of London Wall a zealous, able, and faithful pastor, I remain, Sir, &c.

(Signed) ABER. GORDON.

John Liddle, Esq.

KING'S COLLEGE (ABERDEEN), 18th *Nov.* 1814.

SIR,—On receipt of your letter of the 7th inst. I thought it fair, immediately to send a note to the Rev. Mr. Philip, requesting him to communicate to me, if he felt himself at liberty to do so, the reasons which had induced him to alter the good opinion he had formerly entertained of Mr. Wm. Rannie. Instead of answering my note, the Reverend Gentleman called on me next day; and after disclaiming any intention of injuring Mr. Rannie's character by his letter to Dr. Nicol, of the 23d September last; stated as the only ground of his change of opinion, that when he gave Mr. Rannie the introductory letter to Dr. Nicol, he was impressed with an idea that Mr. Rannie had a *call* to appear as a candidate at London Wall; but finding afterwards that that was not the case, he inferred a want of *devotional feeling* in Mr. Rannie. I confess I did not well understand this language; but allowing it its full force in any sense which Mr. Philip chose to put upon it, I enquired of him if he thought any difference of sentiment in point of *feeling* between him and Mr. Rannie, was a sufficient reason for writing a letter, which conveyed to my mind the same impression that it seems to have made on the members of London Wall church, namely, that it was a direct and general attack on Mr. Rannie's moral character and conduct. To this question his answer was very confused. He said, that he did not wish Dr. Nicol to shew his letter—that he had given verbal instructions to Mr. Kidd to explain the grounds

which had led him to change his opinion of Mr. Rannie—regretted that Dr. Nicol in communicating his letter to the vestry at London Wall, had not accompanied it with these explanations, and solemnly declared again and again, that he neither knew nor had ever heard of any thing in the least degree immoral or improper in Mr. Rannie's conduct, either during his residence in Aberdeen, or since his removal into Banffshire. On this I could not help remarking, that in his letter to Dr. Nicol, he had given that gentleman *full liberty to make any use of it he pleased*—that with respect to the verbal explanations he had given to Mr. Kidd, of his grounds for changing his opinion of Mr. Rannie, I could not know what they were, but that this assertion was in direct contradiction to the words of his own letter, in which he said, that "Professor Kidd would explain the circumstances under which he had *recommended* Mr. Rannie to Dr. Nicol's notice," but not a word of explaining the circumstances which had led him to *retract* his recommendation of him—that in my opinion, if Dr. Nicol had received such explanations from Mr. Kidd, he would in common candour have communicated them along with Mr. Philip's letter, to the vestry at London Wall, which it appeared to me, from your letter not saying anything about it, he had not done—and that at any rate, if Mr. Philip felt it necessary to retract his opinion of Mr. Rannie *in writing*, he ought to have explained his reasons for doing it, also *in writing;* for that without such explanations, his letter certainly seemed to me to imply a vague and dark attack on Mr. Rannie's moral conduct. To this he replied nothing, but repeated his former declaration, that he never meant to injure Mr. Rannie, and that he never knew nor heard of anything derogatory to his moral character. Here I broke off the conversation which I was not anxious to prolong, as I could gather nothing from this Reverend Gentleman that could induce me to alter in the least my former good opinion of Mr. Rannie; and having made every inquiry in my power, both at the respectable family in which he lived as tutor for three years, and among his fellow students, my quondam pupils, now promising preachers, I find every reason to entertain the same favourable sentiments of Mr. Rannie, that I have ever done. With respect to the other points of difference among the members of your church men-

tioned in your letter, I do not consider myself entitled to interfere; but I shall be happy, if from all I know, or have heard of Mr. Rannie, I may be instrumental in rescuing that young man's character from the wanton and cruel attack which has been attempted to be made upon it. I am &c.

(Signed) GIL. GERARD.

John Liddle, Esq.

The four following letters are the correspondence which took place between Mr. Arthur Glennie and the Rev. Mr. John Philip.

LONDON, 1*st Nov.* 1814.

Mr. John Philip, Aberdeen.

REV. SIR,—Although I am an entire stranger to you, the business on which I am at this time to address you, will, I hope, sufficiently plead my excuse for the abrupt manner in which I shall take the liberty of introducing it to your most serious attention. I shall, therefore, without further apology, lay it before you.

At a meeting of a very considerable portion of the members and subscribers of the Scots Church, London Wall, held last night, on the business of the present vacancy for the pastoral charge of that incumbency, for which there are several candidates, I had the honor to be called to the chair; and it consequently fell to my lot, among other things, to read a letter which was then produced, and had been addressed, as I was told, to the Rev. Dr. Nicol, of Swallow Street; It runs as follows: (here was given a copy of Mr. Philip's letter of 23d Sept.)

I am instructed, Sir, by the before-mentioned meeting of the members and subscribers of the Scots Church, London Wall, to request of you an explanation of the ambiguous part of the said letter, viz. that you will have the goodness to explain what are the circumstances of change that have taken place upon Mr. Rannie, since he left Aberdeen to reside in Banffshire, which have induced you to alter your opinion of him, since you wrote the introductory letter you gave that young gentleman to Dr. Nicol. You are, no doubt, aware, that this is a matter of very serious import to the congregation

of London Wall, on the one part, and to Mr. Wm. Rannie on the other part. It would not become me to enlarge on the importance and delicacy of such a subject, to a clergyman of any denomination; but I may be allowed to express the anxious desire of the members and subscribers to the Scots Church, London Wall, on the one hand, and of the particular friends of the young man on the other, that you will give an immediate, candid, and unequivocal answer to the above reasonable request. I am, &c.

(Signed) ARTHUR GLENNIE.

ABERDEEN, *5th Nov.* 1814.

Mr. A. Glennie.

SIR,—For the satisfaction of the church with which you are connected, and the friends of Mr. Rannie, I have no hesitation in saying, that I know nothing against the moral character of Mr. Rannie. The change to which I alluded in my letter, and which I explained to Mr. Kidd, reffered * to the devotional spirit, and not to the morals of the young man. I am, &c.

(Signed) JOHN PHILIP.

GEORGE STREET, MINORIES,
Nov. 12, 1814.

The Rev. John Philip.

SIR,—I have before me your letter of the 5th instant, informing me, for the satisfaction of the church with which I am connected, and the friends of Mr. Rannie, that you have no hesitation in saying, that you know nothing against the moral character of Mr. Rannie; the change to which you alluded in your letter of the 23d September, and which you say you explained to Professor Kidd, referred to the devotional spirit, and not to the morals of the young man. I am, however, under the necessity of troubling you again on this subject. The letter before me not being at all satisfactory or conformable to the request I made to you in mine of the 1st inst. I should have imagined that the importance of the request and the respectability of the parties from whom it came, would have entitled it, to a more explicit and candid reply.

In your first letter addressed to Dr. Nicol, you refer to

* So in the MS.

Professor Kidd, to explain the circumstances, *under which you recommended Mr. Rannie to him*, but you will please to observe, that in your letter of the 5th inst. you say, that you explained to the Professor *the change to which you had alluded.* It happens, however, that Professor Kidd has denied any knowledge of the letter of which he was the bearer, and in which his name was used, until he heard it publickly mentioned; and I should be glad to have this seeming contradiction explained, as well as what you mean by the "*devotional spirit.*"

It would appear to me that your letter of the 23d September, had been written in consequence of some application to you from this, as it seems very strange that you should take the trouble of writing such a vague and ambiguous letter, without having *some particular object in view.*

As this is a subject of too much importance to be answered in the haste you appeared to be in, when you wrote on the 5th inst. I must again request you will give me, for the information of the Scots Church, a more clear and satisfactory answer. I wish this for your own sake, as well as for the sake of that justice which is due to the character of Mr. Rannie, which has been attempted to be injured by your letter of the 23d September, and which may (if not properly explained) be of more importance to you than you seem to be aware of. I am &c.

(Signed) ARTHUR GLENNIE.

A. Glennie, Esq.

SIR,—Before I proceed to answer your letter, dated the 12th of November, it will be necessary for me to preface what I have to say, with some preliminary remarks. I am sorry that the brevity of my answer to your former letter should have been considered as disrespectful to the Scots Church at London Wall. When I was a student at Hoxton Academy, I was honoured with the friendship of the late Dr. Hunter: I have preached for him, and I have always felt the most sincere respect for the church over which he presided. The brevity of my letter to you may be easily accounted for in a way more agreeable to truth and charity. I was *afraid* from the style of your letter, and from the *ambiguous* manner in which my note to Dr. Nicol was written when I heard that that note was read at a public meeting of your church, that you and your friends

might suppose, that I knew more against Mr. Rannie than I really did, and not having leizure* at that time to write a long letter, and being unwilling that you should be kept in suspense on a subject of that nature, I thought it my duty to communicate to you the note which you recieved* from me without loss of time.

Secondly—My note to Dr. Nicol was never intended to have been read without a *commentary*, and I am sorry that the Dr. did not require me to furnish one before it was given in to the church.

Thirdly. Whatever be the result of this correspondence I solemnly disclaim all *improper feelings* towards Mr. Rannie, or any *intention* of injuring him.

Fourthly. I consider it my duty to inform you that the note which I sent to Dr. Nicol was altogether unsolicited by any person in London or out of it. I had had no privious* correspondence on the subject with any person whatever, and I was so ignorant of the state of the affairs of the Scots Church at London Wall, when I wrote to Dr. Nicol retracting the opinion which I had formerly given him of Mr. Rannie, that I *firmly believed* from the information which I had recieved,* that the church at London Wall had agreed to drop all their former candidates and have a trial of new ones.

Fifthly. The threat held out in the end of your letter gives me no trouble. In the path of duty I am a stranger to the fear of man. In what I have written I have obeyed the dictates of my own conscience, and I can safely and with an easy mind leave consequences with God. You know Sir, that no power on earth can oblige me to give you the reason's which induced me to alter my opinion of Mr. Rannie's qualifications for the pastoral office of the Scots Church, London Wall. For the respect, however, which I feel for the family to which you belong (for you are as much a stranger to me, as I am to you) and the satisfaction of the church at London Wall, I shall state to you a few of the reason's which have contributed, to produce the change which has taken place in *my mind* in relation to Mr. Rannie.

In the first place Mr. Rannie's conduct towards myself, has been very mysterious, and calculated to excite a suspicion in

* So in the MS.

my mind that there was something wrong about him. Any letter's which he sent to me privious* to his visit to London, contained the warmest expressions of friendship, and in those letter's he spoke of the pleasure, which it would afford him, to have it in his power, to see me on his way through Aberdeen. Now, Sir, from the time which I sent Mr. Rannie the introductory letter which he delivered to Dr. Nicol, I have neither seen Mr. Rannie nor heard from him in a direct manner. He has been in Aberdeen several times since then, and has never found the way to the house where he has frequently visited on former occasions.

The second charge which I have against Mr. Rannie, is a charge of ungentlemanly conduct towards Dr. Nicol. Mr. Rannie on his return from London did not scruple to speak of Dr. Nicol, in public companies and in the open book-shops of Aberdeen, in the most disrespectful term's.

It would have been painful to me, to have heard any man speaking of Dr. Nicol, in the manner in which Mr. Rannie spoke of him but that pain was greatly increased to me, by the recollection that I had introduced Mr. Rannie to Dr. Nicol, and was in some respects responsible for Mr. Rannie's conduct towards the Doctor.

Thirdly. I gave Mr. Rannie the introductory letter which he delivered to Dr. Nicol, recommending him as a candidate for London Wall, under the *impression* that he had been invited to become a candidate by the vestry or church, an *impression* I am sorry to say, made by Mr. Rannie's own letter's to me.

In a letter of Mr. Rannie's before me, dated the 14th of February, 1814, he says, "I have had an invitation to enter the list of competitors for the appointment of London Wall, vacant by the death of Dr. Young, and am balancing upon the propriety of hazarding the contest. Indeed I have this day written the elder's, that if they choose to procrastinate the ordeal till the weather shall become more inviting, when I might migrate with more comfort and less risk of catching indisposition, I shall make it my busness * to appear—what do you think of the ressolution." *

In another letter of Mr. Rannie's now before me, dated

* So in the MS.

March the 7th, after requesting me to furnish him with recommendatory letter's, he makes the following remarks. "Now my dear Sir, could you but frame anything more in a friendly than in a formal shape, either in a form of a letter in answer to me, supposing I intreated your good report on such an occasion as the present, and in character of an epistle addressed at large to the body of the elder's at London Wall;—any of the two which may seem to you as admitting the most natural and friendly eulogism in terms as much calculated to have a favourable impression as you think my sober merits will at all allow you; I will unquestionably feel sincerely obliged, as I believe in my heart that your delineation of character must carry conviction to every reader that knows you."

Having recommended Mr. Rannie, as I have already said, under this impression, an impression made by his own communications to me, I could not but feel hurt to find as I afterwards did, that I had been decieved*, and that Mr. Rannie had not only, not been invited by the vestry of the Scots church, London Wall, to become a candidate for the *vacancy* in that church, but that he had actually obtruded himself upon the church, after he had been told that he could not be admitted as a candidate.

Fourthly. I am perfectly satisfied that the requisition of the vestry, that Mr. Rannie should preach two months as a candidate, was fair and reasonable, and that those who proposed it had a right to expect from any one, and more particularly from Mr. Rannie, considering the circumstances under which he then stood.

Fifthly. I was very much hurt at the general strain of Mr. Rannie's printed letter's, and particularly at the concluding sentence, in which he calls upon his friends to vindicate his cause in his absence, &c., &c.

I consider the election of a pastor for the Scots church at London Wall, not the cause of Mr. Rannie, not that of any young man whatever, but the cause of God.

I confess that the language in which Mr. Rannie call's upon his friends to vindicate what he call's his *cause*, has to me more the appearance of the language of a gentleman canvassing for a seat in parliment * than what was becoming from the lips

* So in the MS.

of a young man standing as a candidate for the pastoral office of a church of Christ. I humbly concieve * that a person qualified for the important charge of the Scots Church, London Wall, would, on retiring after the term of his probation, have spoken with more modesty and tenderness concerning those who could not approve of his ministry, bewailed in the spirit of an apostle the division's that had taken place in the church, and would have done everything to heal them, instead of attempting to widen the breach, as was evidently done by Mr. Rannie in this unchristian and hateful sentence. In short, Sir, had I seen no more than this sentence alone, I should have felt deeply ashamed that I had recommended a young man as qualified for the pastoral office of the Scots church, London Wall, who was capable of retiring from the field of contest as he call's it, with such language.

In summing up the *evidence* you will perceive that I have charged Mr. Rannie with a mysterious conduct towards myself —with ungentlemanly conduct to Dr. Nicol—with having decieved * me respecting the nature of the invitation which he had received from the Scots Church, London Wall, which induced me to advise him to go as a candidate for that church, and to give him the letter which I gave him to Dr. Nicol, and with what I view as an unchristian spirit in the letter's of Mr. Rannie which have been printed and which I have read. With these things before me, I feel no hesitation in saying, that had I believed Mr. Rannie capable of them, I should not have recommended him as a candidate for the highly respectable office of pastor of the Scots Church, London Wall.

These things are not said from any want of affection to Mr. Rannie. I feel at this moment the *most sincere affection* for the young man, but I dare not sacrifice the interests of the church of Christ at the shrine of private friendship. In matters of religion, I wish to know no man after the flesh ; and like Levi, to deny myself to my own relatives and *strongest inclination's*.

The discrepance of opinion that appear's between my note and the declaration of Professor Kidd, is easily solved. The Professor was perfectly correct in saying, that he knew nothing of the contents of the note which he was the bearer to Dr.

* So in the MS.

Nicol. Professor Kidd called upon me a day or two before he left Aberdeen for London. On that occasion I told him that I should send a few letter's by him, but this letter to Dr. Nicol was not so much as thought of by me at that time. It occurred, however, in the course of the conversation, which I had with the Professor on that occasion, that I desired him to give my best respects to Dr. Nicol; and, after having mentioned a few circumstance's which had induced me to *alter my opinion* of Mr. Rannie, I desired the Professor to say to Dr. Nicol, that I was sorry that I had recommended Mr. Rannie to the Dr.'s notice. The note which I sent to the Dr. by the Professor, was an *after thought*, and did not come into my mind till I was closing the last of the other letters which I was then preparing to send by the Professor, and not more than a few hour's before he sailed. The Professor might not have felt interested in what I said respecting Mr. Rannie, and may have allowed *it to slip out of his mind;* but it was on the faith of his recollecting that conversation, that I wrote to Dr. Nicol in the ambigous * manner which I did. It will be remmembred * that I began my letter, by saying—I have never felt any disrespectful feeling to you as a gentleman, or to the church with which you are connected—that my note to Dr. Nicol was never designed by me to be read without an explanation along with it—that my note to Dr. Nicol was altogether unsolicited by any person—that I still feel the *most sincere affection* for Mr. Rannie—that I was so ignorant of the affairs of the church at London Wall, when I wrote the note in question, that I believed that the church had agreed to drop all their old candidates, and have a trial of new one's—that what I have written is not extorted from me by *fear*, and that I feel the most sincere respect for you as a gentleman, from the respect which I bear to your family, and for the church at London Wall—On the other hand, I have no hesitation in saying, that I am sorry for any *unintentional* evil my interference may have occasioned—for any of the grief it may have given to any of the members of the church at London Wall—for any injury Mr. Rannie may have sustained by it; and you will permit me to conclude this tedious and painful letter, by expressing my most fervent wish and earnest prayer, that the

* So in the MS.

Lord may heal your divisions, and send you a pastor according to his own heart, and one whom he will greatly own and bless.

I am &c.

(Signed) JOHN PHILIP.

ABERDEEN, *Nov.* 18, 1814.

It is much to be regretted that Mr. Philip's ambiguous epistle was not accompanied with this luminous commentary, as it would have prevented a great deal of unnecessary trouble. It will be remembered, that in Mr. P.'s letter to Mr. Glennie of the 5th November, he says, that the change to which he had alluded, referred to Mr. Rannie's *devotional spirit*, and not to his moral conduct. Whether the delinquencies so distinctly and precisely enumerated in the preceding letter are to be attributed more to impiety than to immorality, or whether they do not imply the total absence both of a devotional spirit and a moral faculty, I will not presume to determine. The reader may judge for himself, when "in summing up the evidence," he discovers that Mr. Rannie stands accused of the following enormities.

In the first place; he did not call upon the Reverend Mr. John Philip. Moreover; the Reverend Mr. John Philip misunderstood a passage in a letter of Mr. Rannie's.

Secondarily; Mr. Rannie did not, in opinion of the Reverend Mr. John Philip, sufficiently reverence the Reverend William Nicol, Doctor of Divinity.

Sixth and Lastly; the Reverend Mr. John Philip is of opinion that Mr. Rannie should have preached probationary sermons for two months at London Wall; and,

In conclusion, The Reverend Mr. John Philip was hurt at Mr. Rannie's calling upon his friends to guard his character against the wicked attempts of his enemies, and at his want of the apostolic spirit.

The investigation occasioned by Mr. Philip's inflammatory epistle having now been completed, the chairman of the committee addressed the following letter to the vestry.

To the elders of the Scots Church, London Wall.

WHITE LION STREET, *Nov.* 23, 1814.

GENTLEMEN,—I am directed to inform you, that the committee of the members and subscribers to the above church, could not help feeling considerable surprise at the note of Mr. Dobie of the 4th inst. and also of the letter from Mr. J. L. Johnson of the 7th ditto, declining any interference on your part in the intended correspondence relative to Mr. Wm. Rannie, which had become necessary, in consequence of the public production of a letter from Mr. John Philip to Dr. Nicol, dated 23d September last; the more particularly as it was in conformity to the unanimous vote of the congregation, on the suggestion and express recommendation of the Rev. Dr. Nicol, that a joint committee should be formed. Your having thus refused your assistance and co-operation to the committee of the members and subscribers, they felt it their duty to lose no time in complying with the wishes of the congregation, in making application to such gentlemen in Scotland, as might be able to give a proper account of Mr. Rannie's character and conduct, and whose public situations would prevent any possibility of doubt, as to the correctness of the information they would furnish.

This having been done, and answers having been received, as well as letters from Mr. Philip, I am desired by the committee to request you will appoint as early a day as possible, that the said correspondence may be laid before the congregation with as much publicity as was given to Mr. Philip's letter. As a public notice was given from the pulpit, when you had fixed upon a day for submitting to the congregation the question of Mr. Rannie's admission or rejection as a candidate, the committee conceive that the same mode should now be adopted, when you have fixed your time of meeting the congregation on this important business; and, therefore, request that such a notice may be publickly given out next Sabbath. The committee have no objection to any day you may think proper (except Wednesday, the 30th inst. that being a public Scottish festival, when many gentlemen belonging to the church will necessarily be engaged). And, as the correspondence is rather of a voluminous nature, I would recommend an early hour, to

prevent any possibility of an adjournment becoming necessary. I am also desired to suggest to you, the propriety of the notice being given out at St. Andrew's Church, Holborn, (as well as at London Wall,) on Sunday next; as, no doubt, many of the members of the Scots Church will be there on that day. Your reply, as soon as you have fixed the day and hour, will oblige, Gentlemen, your &c.

(Signed) JOHN LIDDLE.

No. 28, CITY ROAD, 25*th Nov.* 1814.

Mr. John Liddle.

SIR,—Your letter of the 23d current has been laid before the elders of the Scots Church, and I am directed by them to own receipt of the same. After what was expressed by the elders in the church, neither of the letters you allude to *ought* to have surprised you or the committee, and as to the public production of Mr. Philip's letter, it was called for by yourselves. And, as to the notice being given to the congregation, it was (*before* receipt of your extraordinary letter) decided to do so, on next Sabbath from the pulpit, fixing it for Friday next, at six o'clock in the evening precisely, the 2d December. With regard to your suggestion, of having the above notice promulgated at *St. Andrew's Church*, surely you could never have read over the letter, or *you* would not have suffered such a proposal to be made. I am Sir,

(Signed) J. L. JOHNSON.

Let no uncharitable person suppose that the elders were actuated merely by caprice, in fixing a day for the decision of the question concerning Mr. Rannie. It is well known that they always have "sufficient reason" for procrastination, and in appointing so distant a day as the 2d of December, they evinced their usual foresight and sagacity.

The grand object, to the accomplishment of which the utmost efforts of the vestry had been unremittingly directed since Mr. Rannie's appearance in London, was that gentleman's exclusion from the pastoral charge at London Wall. Now it follows, as a corollary from the moral proposition already laid down, that the means used by the elders to gain their point, were laudable in proportion to their tendency to promote the end in view. If this rule, which is the only

standard of rectitude, be applied to the actions of the vestry, it is questionable whether any language is adequate to characterize the measures adopted on this eventful occasion.

It must be observed that by the second article of the trust deed, it is declared, that every nomination shall be published from the pulpit " on the *two next succeeding Sabbaths* after the nomination shall be agreed on." Now, by the dexterous management of the vestry, in appointing the 2d of December for the determination of the question concerning Mr. Rannie, there remained only *one* Sabbath for his nomination to be declared from the pulpit, before the election took place on the 7th. Should Mr. R. therefore, be voted admissible as a candidate on the 2d, and elected pastor on the 7th, the election must be informal and consequently invalid. Mr. R.'s friends had the penetration to dive into this plan, and the audacity to remonstrate with the elders on the subject; who graciously said, that if Mr. R. should be chosen pastor on the 7th, they would take no advantage of the informality in his appointment; and that it was therefore unnecessary to put off the election another week, merely to comply with a clause in the deed of settlement. It is painful to me to be obliged to state, that men could be found in a religious community of any christian denomination whatsoever, so wicked as to doubt the sincerity of the elders, when they made this declaration of their generous intention to exercise the *dispensing power vested in them by the trust deed.* Yet, alas such is the fact. Not only did some of the congregation harbour in their minds a highly sinful degree of scepticism on this subject, but they even proceeded to such a height of impiety as to stigmatize the open, bold, and manly conduct of the vestry, with the name of an *electioneering manœuvre ! !*

On the Sunday immediately preceding the 2d of December, the elders fulminated a bull from the pulpit against those of the congregation who had not paid their seat-rent up to last Midsummer, debarring all such profane persons from the exercise of their elective franchise. A happier expedient for diminishing the number of voters, than this *ex post facto* law, could not have been suggested.

At the same time, and from the same place, it was also notified, that none but subscribers or members would be allowed

to enter the church on the evening set apart for laying before the congregation the result of the investigation concerning Mr. Rannie; that the doors of the chapel would be shut, and that all those who wished to be present must enter by the vestry door. Many of the congregation were so dull, as not to comprehend the meaning of this admirable arrangement. They thought that as the doors were thrown open to *every person* who chose to enter, on the night on which Mr. John Philip's defamatory epistle was produced, it was but fair that equal publicity should be given to the documents which Mr. Rannie's friends were to bring forward, to vindicate his character, from the foul aspersions that had been thrown upon it. Such a mode of procedure might indeed, in the opinion of some silly old-fashioned people, have entitled the elders to the credit of candour and impartiality—it might, in the judgment of such persons, have said something for the hearts of the vestry; but it would have indicated a deplorable deficiency in the furniture of their attic apartments.

When the long expected day arrived, and the hour approached at which the subscribers were to assemble, the elders repaired each to his post. Mr. Duncan, with that humility by which he is so justly distinguished, condescended to station himself behind the vestry door, in the capacity of porter. Mr. Secretary Dobie, whose sagacity and acuteness are notorious, was the watchful Argus of the night—he posted himself in the passage that leads from the vestry to the church, to scrutinize the pretensions of every intrant, lest any daring intruder should violate the solemn proclamation of the elders. The Rev. Dr. Nicol, Mr. Acting Secretary Johnson, and Mr. Stevenson, seated themselves at the vestry table, to examine the muster-roll of the congregation, and to organise a plan of operations for the evening. Among the first of the subscribers who made their appearance at the vestry door, were Mr. Liddle the chairman, and Mr. Linton the secretary of the committee. To the admission of the former no opposition could be made, and he was allowed to pass unmolested; but when the latter entered, the secretary's zeal was kindled, and he darted on him with all the fearless ardour of a champion in a sacred cause, exclaiming, that he was not a subscriber, and therefore had no business there. The chairman seeing Mr

Linton excluded, expostulated with the vestry concerning what he conceived to be a highly indecorous and disrespectful proceeding; urging, at the same time, that although Mr. L. might not *literally* be a subscriber, he contributed to "the maintenance and support of the minister and meeting-house." But this was not a consideration calculated to have any weight with men whose minds were of so conscientious a constitution as those of the vestry. Mr. L.'s name did not appear in the treasurer's books, and consequently he could not be admitted. "Well, at all events," said Mr. Liddle, he has as "good a right to admission here as Dr. Nicol." "What!" exclaimed the Rev. Dr., "will you speak so, and I here?" "You!" rejoined Mr. Liddle, "you are at the bottom of the whole plot."

The Rev. Dr. and Mr. Liddle being both men of rather a sanguine temperament, this dispute might have been attended with unclerical consequences, had not some of the elders opportunely interfered.

By Mr. Linton's exclusion the vestry hoped to attain two very laudable objects. This gentleman, at a former meeting of the congregation, had read some very interesting papers with a highly culpable distinctness of utterance, and most provoking propriety of emphasis. He had carefully perused and arranged the documents which were to be produced on this occasion; and it appeared probable, that if he could by any means be got rid of, the enemy would be thrown into confusion and an easy victory obtained.

The secretary of the vestry had also composed a very beautiful philippic against Mr. L.'s father, which he could not pronounce in his son's *presence* either with honour or propriety. But, alas! how unexpectedly are our fondest hopes blasted! How often are the best concerted schemes rendered abortive by an unforeseen accident! In both objects the secretary was foiled; for Mr. Glennie did ample justice to the letters which Mr. Linton was to have read, and Mr. L.'s father found an ample defender in Mr. G. Simpson, who, though perhaps inferior to the secretary in legal *acumen*, "in the nice sharp quillets of the law," will not yield to any one in zeal to vindicate the character of an injured absent man. Could the secretary have foreseen that he was about to expose himself to the sallies of sarcastic humour and irreverent wit, it is supposed

that he would have postponed the delivery of his speech until a more favourable opportunity offered.

When all the preparatory measures had been adjusted, the elders, with Dr. Nicol at their head, entered the church. The Rev. Dr. took the chair of state.

"His valiant peers were placed around."

The letters which the chairman of the committee had received from Scotland, concerning Mr. Rannie, together with Mr. John Philip's commentary, having been read, the Rev. President rose and addressed the congregation in a strain of eloquence, to which a Demosthenes or a Tully would have listened, not only with admiration but with rapture. He convinced the audience, that to the black catalogue of his abominable crimes, Mr. Rannie had now added the most profligate ingratitude; for he had not only asked Mr. R. "to breakfast" one morning, but he had even invited him to a "family dinner." He further stated, that he was "stabbed," and that he would probe the matter to the bottom, if it should cost him a "*hunder poun.*"

When the Dr. had finished his oration, he abruptly quitted the chair and rushed out of the church, leaving the congregation to settle their differences in the best manner they could.

After the Dr.'s retreat the acting secretary took the chair, and a most interesting and animated debate ensued, which lasted several hours. The votes were then taken on the question of Mr. Rannie's admission, and he was, by a majority, declared a candidate for the pastoral charge of the Scots Church.

The vestry were struck with dismay, when they saw a result so different from that which their meritorious efforts had led them to anticipate. "Horror chill ran through their veins, and all their joints relaxed." They saw the industrious labours of six months completely destroyed in one moment. They were not, however, quite inconsolable; they comforted themselves under this grievous affliction by reflecting that they had persevered to the last with the same zeal with which they had set out in the glorious cause; that they had exerted their "utmost ability according to the best of their judgment"; and, that the greatest human exertions may *deserve*, but cannot command success.

TRAFALGAR SQUARE, STEPNEY, *Dec. 6th*, 1814.

REV. SIR,—Notwithstanding the influence and activity of Mr. Rannie's opponents, he was declared, by a vote of the congregation assembled in the church at London Wall, on the 2nd instant, to be a candidate for the vacant pastoral charge.

As the vestry have identified his case with mine, in so far as they have stated to the committee of members and subscribers, that I could not have been admitted as a candidate, on any other terms than those proposed to that gentleman, and as you have avowedly prompted and aided them in the measures which have been adopted in regard to him, I presume you will not question my right to lay before you a review of those proceedings in which you have taken so active and conspicuous a part. Your not having answered my former letter, shall not prevent me from doing this; and if you persevere in silence, instead of viewing it as an insult, I shall consider it as an admission of your utter inability to advance anything in your own defence.

In a statement which the vestry published in July last, they say that of Mr. Rannie's "character and abilities they were not sufficiently satisfied." This, I confess, appears to me to be a rather bold assertion, when I find that besides attestations of his character and abilities from several respectable clergymen of the church of Scotland, he produced testimonials from Dr. Gerard and Principal Brown, two professors of divinity, and both of them ministers of the church. The one well known in the literary world as one of the first biblical critics of the age, and no less distinguished in private life, by the urbanity of his manners, the generosity of his sentiments, and his unostentatious piety. The other, a man whose name has long been associated with all that is captivating in eloquence and elegant in literature; who joins to talents of no ordinary standard, all those liberal accomplishments which combine to form the most perfect model of a christian orator. The applause of such men is an honour of which Mr. Rannie may justly be proud, and which will render him regardless of the attacks that may be directed against him, either by the insolence of narrow-minded ignorance, or the still baser malice of canting hypocrisy.

Some of the congregation, however, differed from the vestry

in their opinion of Mr. Rannie's credentials, and insisted that he should be allowed to preach. This "was with reluctance agreed to," and he gave such proofs of his talents and eloquence, as both justified the recommendations which he had received, and induced the congregation to demand that he should be "put in nomination."

By this requisition the vestry were reduced to an unpleasant dilemma, from which you stept forward to relieve them, by stating that there was a law in the Church of Scotland, which prohibited any preacher from being admitted to the pastoral charge of a congregation until twelve months after he had been licensed, and by proposing, that therefore Mr. Rannie could not be admitted as a candidate for the Scots Church at London Wall, until he had preached for a period of two months in that church. Where you found this law, I do not know; but this I know, that if any presbytery in Scotland should reject a presentee on no other ground than this, they would subject themselves to a severe reprimand from the provincial Synod, and be ordered to proceed to his immediate induction. But granting this to be a law of the church of Scotland, which the congregation at London Wall cannot dispense with, it is not obvious that its enforcement must have interposed an insurmountable barrier between Mr. Rannie and the pastorship of the church! Because, until his year of probation had elapsed, he could no more be relieved from the pressure of its operation by preaching sixteen times, than by preaching once.

Some of his friends, believing the law to be as you had stated it, engaged that he should perform the service required; but after he had preached four times, and given the greatest satisfaction to his Auditors, he received notice of an appointment in the church, which required his immediate presence in Scotland; and he left London. The committee of the members and subscribers to the church, insist on his being put in nomination, and the vestry refuse to comply with this demand, because he had not officiated for two months.

But had the elders a right to object to his nomination? Or had they the power of prescribing to him a task of so protracted a length?

It is plain that in every congregation whose minister is supported by the voluntary contributions of the members, the

right of electing that minister, must be vested in those members. Any other supposition is absurd. The trust-deed of the religious establishment at London Wall recognizes this fundamental principle in almost all its articles, and even the vestry have been obliged to acknowledge it. In their statement they assert, that they "have been vested with the right of putting a candidate in nomination, reserving the right of election to the subscribers generally." This, I believe, is quite correct; but their ideas of the nature and extent of this nominating power, I humbly conceive, are very erroneous. They have asserted that it consists in selecting from among the candidates, any one whom they may prefer, and *presenting* him to the congregation for election. But what then becomes of the right of election vested in the congregation? It is a mere nullity—vox et preterea nihil. This kind of nomination leaves them exactly the same power which the dean and chapter of a diocese possess in the election of a bishop. The king issues a congé d'élire to them, but at the same time, he appoints the person whom they *must* elect. But "is it so nominated in the bond?" I cannot find it. In Article II of what the elders have published as an abstract of the deed of settlement, it is said, "that the elders and trustees shall have the power to propose and nominate a candidate or candidates for supplying such vacancy, &c." This plainly implies that *several* candidates may be nominated.—When only one appears, of course no more can be proposed; but where two or more are admitted by the elders, all are equally entitled to nomination; and the vestry can possess no power to single out any particular individual for the choice of the congregation, because such a power, in fact, deprives them of all choice.

This nomination, about which the elders are so clamorous, is neither more nor less than mentioning from the pulpit the names of all who may have been admitted as candidates, and it is the province of the congregation to select from among them the man most acceptable to them. When, therefore, "the Reverend J. M. Cunningham, the Reverend John Wilson, the Reverend Joseph Finlayson, and the Reverend George Burns," were mentioned as candidates on the 27th of March, they were nominated, as well as the Reverend Daniel Dewar, though the favourite word was applied to him alone.

The power by which the elders imposed on Mr. Rannie the task of officiating for so long a period, is another assumption no less arrogant; for it is not even mentioned in the charter. On the contrary, it is implied in Article V that the congregation may call a minister without having heard him preach. The same article declares, indeed, that "in order that no person may be, by any means, *obtruded* on the congregation as their minister," they shall "have a trial of the gifts and abilities of the person or persons nominated" if it be possible;—than which nothing can be more reasonable. But it by no means confers on the vestry the arbitrary power of imposing a probationary task of two months on one candidate, and a trial of only two weeks on another. Mr. Rannie officiated as often as some of his brother candidates, and he is consequently entitled to the same privilege of being put in nomination. If the congregation are of opinion that he should have preached longer, they may reject him at the approaching election; but I think, I may venture to say, that even the staunchest opponents of the vestry will not accuse them of any wish to obtrude *him* upon the congregation as their minister. The intention of the trial mentioned in Article V is to afford the members and subscribers, and not the vestry, an opportunity to judge for themselves respecting the talents and qualifications of candidates. The elders must have been previously satisfied in this respect by the testimonials presented to them. Their judgment must be guided by these, or else why do they insist so strenuously on their production? Why do they hunt about the kingdom for "the opinions of able and experienced pious men in the ministry of the Gospel?" Their safest plan is to trust as little as possible to their own opinions; for until they are a little more illuminated, they "are very unlike the men" who are able to judge either of the talents or the qualifications of ministers.

After some correspondence between the vestry and the committee, on the 26th of May an agreement was solemnly entered into and signed by the chairman of the committee, and the acting secretary to the vestry, in the presence of his brother elders met in full conclave, by which the elders bound themselves to leave, to the decision of the congregation, the period during which the pulpit should continue open for the admission

of new candidates, and also to appoint a day for the public discussion of Mr. Rannie's claims. The former part of this engagement they have unblushingly violated, by appointing a day for the election of a minister, without consulting the congregation, and it was not until the 30th of October, that the reiterated remonstrances of the committee could procure the fulfilment of the latter part. The reason of this delay may perhaps be illustrated by their subsequent conduct. On the last-mentioned day it was notified from the pulpit that they had appointed the 2d of November for the decision of the question respecting Mr. Rannie's admission as a candidate, and that they had fixed the 7th of December for the election of a pastor. The congregation assembled on the former of those days, (you were in the chair,) and in order to give a death-blow to Mr. Rannie's hopes, the vestry produced a scandalous letter, dated the 23d of September, received by you from a person in Aberdeen, whom you denominated " an independent minister," and from whom Mr. Rannie had received a recommendation to you. This letter exhibits no direct charge against Mr. Rannie, but it conveys the blackest insinuations in language of studied ambiguity; and it also contains a clause authorising you to make what use of it you please. When I look at this abominable production, and at the same time consider the manœuvres of the vestry, I am at a loss whether most to condemn the cold calculating malignity by which it is dictated, or the dexterity with which it was applied to the vile purposes of an unfeeling cabal. If independence consist in stabbing the character of an amiable and deserving young man, this reverend gentleman may justly be styled, " Lord of the lion-heart and eagle-eye."

The production of this letter excited a strong sensation in the congregation, but of a very different kind from that which you had anticipated. When you perceived that the indignation of the assembly was roused against the author, and the organ of this base and slanderous libel, you attempted to explain it away, by saying, that you supposed " it did not mean anything against Mr. Rannie's moral character; " that it might perhaps allude to " the reading of his sermons; " that in short it meant nothing at all! Just so " the madman scatters firebrands, arrows, and death, and saith, am I not sport? " But Mr. Liddle immediately put a very pertinent

question to you. He asked you, why you made it public, if it meant nothing? You evidently disliked the question, and you replied with some warmth, that your "conscience compelled you to make it public," and that you were "not answerable to him but to your master." Are you aware, Sir, that this is the very creed of the holy order of the Jesuits? Those expert casuists defend all their actions by pleading the dictates of conscience. Conscience, however, is not an unerring guide: it is much influenced by education and habit, and requires to be enlightened before it can be trusted as an infallible rule of action. I do not question, but the cruel Mary, when she made bonfires of the Protestants in Smithfield, vindicated her proceedings by the authority of conscience; yet it is now pretty generally agreed, that a less ostentatious display of her zeal would have been more commendable. It is true, we are all answerable to our master; but if we injure our fellow-men, we must answer to them in the first place; and if I thought there was any precept in the Christian religion, which enjoined me to defame my neighbour, I should cease to believe its origin divine. Pray, if a man accused of a libel, were to tell my Lord Ellenborough that he was answerable for his conduct only to his master, do you think his Lordship would sustain it as a relevant defence? I imagine an English jury would hardly acquit him on this ground.

But, to return—after some hot discussion it was agreed, that the committee and the vestry should correspond with the author of the letter, and also with the clergymen who had recommended Mr. Rannie, in order to acquire information concerning the change which had taken place in him. This, Sir, is what you should have done. You ought, on the receipt of that letter, to have written to Mr. P. and demanded an explanation of so ambiguous an accusation, and not to have kept it until the investigation, which you must have been aware it would lead to, could not be finished in time for Mr. Rannie to be effectually nominated before the day of election came on. But in this there appears some excellent management. The vestry wished to make "assurance doubly sure," and after declining to take any part in the correspondence agreed on, they appoint the 2d of December for laying before the congregation the result of the investigation; well knowing,

that if Mr. Rannie should be declared a candidate on the 2d, he could not be eligible for the pastorship on the 7th, in terms of the second article of the charter, which enjoins the intervention of two Sabbaths between nomination and election. The congregation met on the day appointed, and you will not soon forget what took place on that occasion. When you found that Mr. Philip's explanatory letter was full of sophistry, confusion, and contradiction, and that Mr. Rannie's character, like gold from the furnace, had come out brighter from the trial which it had undergone, you made a precipitate retreat from that chair which you had so often filled with honour, and saved yourself from the storm that seemed ready to burst on your head. The business of the meeting, however, proceeded, and the congregation, by voting Mr. Rannie a candidate, rendered the cause of truth and justice finally triumphant. As to the issue of the election, I imagine Mr. Rannie is very indifferent. Once, indeed, the church at London Wall might have been an object of some ambition; but under its present management,

. . . . Fuit Ilium et ingens
Gloria Teucrorum.

The result that has taken place might have been anticipated. Unbiassed feeling will always prompt the generous and the good to rescue suffering innocence from "the insolence of office and the spurns that patient merit of the unworthy takes;" and, however the sentiments of justice may be stifled in the breasts of a few individuals; yet, in a popular assembly, those godlike principles which dispose the human mind to protect the defenceless, and to redress the injured, will have their full sway.

Thus, Sir, has ended a contest which has subverted the peace of a numerous society of Christians, and the consequences of which almost threaten the dissolution of a respectable religious establishment. Those fatal effects would have been prevented, had the vestry never attempted to tyrannise over the congregation; and had they at first voluntarily yielded a point, which they have at last been compelled to relinquish, they would have avoided the resentment of their brethren, which their iniquitous proceedings and the obstinate pertinacity with which they have insisted on the exercise of an imaginary

right, have excited almost to an incurable degree. If you, Sir, and your coadjutors, in reviewing those proceedings, see little room for self-gratulation, yet you may, perhaps, derive some important instruction from reflecting on their consequences.

It may, perhaps, appear, that age, however protracted, will not command respect without virtue; that the mere spaniel quality of indiscriminate fawning, though it may gain the ascendant in a vestry, instead of conciliating esteem, can only excite disgust in those who discover guile and malice lurking under an artificial exterior; that the pretensions of him who interferes in the affairs of others will be enquired into; and that he who mounts the rostrum, "to clear the guilty and to varnish crimes," must possess weightier authority than that which arises from "customary suits of solemn black," though accompanied with the more specious and imposing adjuncts of a sanctimonious countenance and a sepulchral voice.

I am &c.

(Signed) ARCHIBALD BARCLAY.

The Rev. Dr. Nicol.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY *to* EARL BATHURST.

CAPE TOWN, 11*th October* 1824.

MY LORD,—We have the honor to transmit to your Lordship a Memorial that was left in our hands for that purpose by William Edwards, concerning whom we had the honor of addressing your Lordship on the 17th July. It was our intention to have transmitted together with the enclosed Memorial, some observations upon the leading points of the Trial and Sentence, to which we presume it relates, but one of the Witnesses, upon whose evidence we chiefly rely is now absent, and will not return to this place for some weeks.

In the mean time we shall beg leave to state, that the principal point in which we conceive that the sentence of Edwards can be impeached is the nature of the acknowledgement and confession, upon which it is presumed that the Court have come to a conclusion that he was the Author of

the libellous Letters to the Governor. The acknowledgement is said by the Reporters of the Proceedings to have been made several times very distinctly in the course of the arguments that he addressed to the Court; and if this really was the fact, such an acknowledgement is sufficient to establish the guilt of an accused Person, according to the authority of the best Writers on the Dutch Criminal Law. On the other hand some of the English part of the Community who listened with great attention to the speeches of Edwards, assert that his acknowledgements were always guarded with the hypothetical Preposition or at least that he opened them with a general Statement of his line of argument, which was clearly hypothetical, and would have protected him from the effect of any inferences arising from expressions used in the heat of argument. We have conversed with the two Members of the Court of Justice who tried Edwards, and who declared to us that they felt no doubt concerning the acknowledgement, and that it was as ample and unequivocal as the Law requires it to be; but they also added, that they were partly guided in their decision by some subordinate proof of the handwriting of Edwards that the Fiscal offered to their notice in the course of his speech for the Prosecution, but which from not being so regular as the Law and practice of English Courts require, left an impression upon the minds of the English part of the Auditory, that there was no other legal evidence whereupon the Members of the Court could have decided, than the imperfect acknowledgement that Edwards made in delivering his arguments. Although there may exist some legal doubts respecting the sufficiency of this acknowledgement, as well as of the proof of the Handwriting, and some reason to regret, that after it had been determined (unfortunately as we think) to bring forward the case at all, it should have been left open to any doubts, legal, or moral, we can venture to assure your Lordship that there exist none in our own minds respecting Edwards' guilt. He made an acknowledgement of it to us after his conviction, and although he stated to us that his Signatures to the Letters were written by another Person (who had left the Colony) yet he admitted fully that he was the author of the Letters, and that he dictated them. Since his departure, we have been informed by a Person who was privy to the transaction, and advised

against it, that the letters were actually written by Edwards himself. Altho' we shall not feel ourselves absolved from a further consideration of this point on account of the present condition of the Individual to whom it relates, we beg leave to state, that since we had last the honor of addressing your Lordship respecting the Character and history of Edwards, we have received some information that has tended to throw great light upon the mystery with which he had surrounded it.

We have now every reason to believe that his name is not William Edwards, but Alexander Lowe Kaye.

That after serving a short time as Clerk in the Office of the Prothonotary in the Town of Chester, he removed to Hammersmith, where he practised as an Attorney; and in the year 1818 was committed to Gloucester Gaol on a Charge of stealing a Horse and Gig. We have not ascertained whether he was convicted of this Offence, but it has been stated to us that he was transported to New South Wales, and we learnt from the Surgeon who assisted at his embarkation on board the *Minerva* Transport in Simon's Bay, that the marks of Fetters were visible upon his Ancles.

On his journey from Cape Town to Simon's Town, Edwards made his escape from the Police Officers who attended him; he was taken two days afterwards by the Deputy Fiscal; and in the moment of apprehension, he attempted, but ineffectually, to take away his own life. He appears to be a man of a very desperate and depraved character; and it was thought proper that due information of all these circumstances should be transmitted to Governor Sir Thomas Brisbane, which has accordingly been done. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Report of the COMMISSIONERS OF ENQUIRY *to* EARL BATHURST.

CAPE TOWN, CAPE OF GOOD HOPE, 12*th October* 1824.

MY LORD,—We had the honor of addressing your Lordship on the 2nd June last and of informing you of the result of our first interview with Mr. D'Escury wherein he disclaimed the

intention of charging His Excellency Lord Charles Somerset with having corruptly made a grant of land to Mr. Redelinghuys in consideration of the sale of a horse for ten thousand Rixdollars, and we took occasion to explain the grounds upon which we judged that it was incumbent upon us to proceed with the inquiry under your Lordship's instructions.

We have now the honor to transmit, together with the evidence we have taken on oath, the various documents that have been furnished to us by Lord Charles Somerset or that have been called for by ourselves in the progress of this inquiry, and we have added all the documents received from Mr. D'Escury that are connected in any degree with the subject of the inquiry.

Before we proceed to detail to your Lordship the facts of the case so far as they are elucidated in the papers we have compiled or in the evidence that accompanies them and to report our opinions thereupon, we are desirous of explaining the circumstances that have protracted our proceedings in this inquiry so much beyond the period at which we hoped originally to have closed them.

From an inspection of the papers furnished to us by Lord Charles Somerset and by Mr. D'Escury, it became apparent that the examination of some principal persons alleged to be concerned or acquainted with those transactions and who resided in the Hantam District could not be dispensed with. The distance of the Hantam from Cape Town is about 390 miles and is usually estimated at 9 days journey by waggon, which we found to be in most instances protracted beyond the appointed time by the impediments that are usual in this journey but more especially from the rise of the Rivers in the winter Season. Not to detain the parties we were in the habit of taking their evidence on the day of their arrival or on the following days, and a reference to the dates will shew that we were engaged in these examinations from the 2nd June to the 15th September.

Much time has also been employed in compiling and copying the proceedings which to the latest moment have been kept open for the reception of any further evidence that might throw light upon the subject of our investigation.

These proceedings are now submitted to your Lordship in

three volumes. In the first are contained the examinations of witnesses, in the second the Documents furnished by Lord Charles Somerset and called for by us, and the third volume contains the papers of Mr. D'Escury.

It may be necessary that we should also explain to your Lordship our manner of conducting the investigation, as objections to it have been strongly urged by Mr. D'Escury. Deeming it to be just to Lord Charles Somerset, who was the object of Mr. D'Escury's charge, that a confidential person on the part of his Lordship should be present during the examinations, our proposal to this effect was met by the nomination of Mr. Whiteford, one of His Lordship's Aides de Camp, who accordingly attended. This course we adhered to, notwithstanding the remonstrances of Mr. D'Escury, who has failed to furnish us with any proofs that the presence of this Gentleman has been detrimental in any degree to the essential ends of the inquiry. Before the Witnesses were discharged the evidence was submitted to the perusal of Lord Charles Somerset and any questions that were proposed by His Lordship were put to the parties and their answers duly recorded. Neither have we omitted to take the evidence of all Persons that were mentioned by Lord Charles Somerset or Mr. D'Escury as being acquainted with the principal facts or with the subject of the transactions generally.

With these explanations, which we trust your Lordship will not deem superfluous, we proceed to detail the facts of the case, and to conclude our report with the Deductions that have appeared to us to be warranted upon a careful consideration of them separately and collectively.

The Widow Louw, who intermarried with Jacobus Nicholas Redelinghuys in the month of November 1818, became possessed at the death of her first Husband in the year 1817 of a considerable property consisting chiefly of the *opstals* of three places or farms held on loan tenure in the District called the "Hantam," and in the immediate vicinity of a mountain that bears that name, as well as of two estates in the District called the Roggeveld situated beyond the Hantam. The three first estates together with ten mares of a good breed and eleven hundred sheep of the Spanish Breed had been purchased in the year 1814 by the first Husband of Mrs. Louw during their

marriage from a Mr. Jacob van Reenen for the sum of 115,000 Guilders.

Application had been made by this Individual to Governor Sir John Cradock soon after the promulgation of his Proclamation of the 6th August 1813 for the purpose of obtaining permission to convert the Loan Tenures of these estates into Quit-rent, but no answer appears to have been given to it. Mr. Louw therefore possessed no other rights and privileges and no other interest in the estates than those that had been possessed and enjoyed by Mr. Jacob van Reenen the Vender.

One of these Privileges and considered by Van Reenen to be attached to the estate named the Gemerkte Carreehoute Boom, consisted of a right to exclusive pasturage upon the Hantam Mountain, the value of which depended less upon the herbage than the refuge it affords to horses during the fatal periods of the distemper, the recurrence of which may be expected to take place in every seventh year, and generally between the months of March and May.

The title of Mr. Van Reenen to this exclusive right was founded upon a loan lease that he held of the adjacent place "Gemerkte Carreehoute Boom," in which the exclusive right of pasturage on the Hantam Mountain was expressly inserted, accompanied with a stipulation that the Lessee should pay to the Government the sum of 25 Rixdollars as yearly rent, and that the lease should be renewed in one month before the expiration of every year. A reservation was further made in favour of five proprietors of estates in the neighbourhood, permitting them to send to the Hantam Hill a number of horses not exceeding eight in the period of the Distemper.

The second estate that was sold by Mr. Van Reenen to the first Husband of Mrs. Redelinghuys was named "Groote Vlakte," situated on an opposite side of the Hantam Hill, and according to the custom of the Country Mr. Van Reenen had enjoyed with it the use of a large tract of grazing land denominated "Government land" that was contiguous to and surrounded the original estate. Mr. Louw and his wife did not reside upon these farms. They lived upon an Estate in the Roggeveld called the "Hoop," but kept their horses at the farms in the Hantam. In the early part of the year 1817 Mr. Louw died, and as he left two Children and had made no

will it was necessary that the widow should proceed to Cape Town and exhibit to the President and Members of the Orphan Chamber an authenticated inventory and valuation of the whole property, as the moiety of it devolved by law to herself, and the other moiety to the two children.

It was about the same period of the year 1817 that six valuable Blood horses arrived in the Colony from England, imported by His Excellency Lord Charles Somerset, and amongst them was one named the "Sorcerer Colt" distinguished above the others and indeed above all others that had ever been seen in the Colony for shape, bone, and muscular strength. The reputation of this horse got abroad in the remoter districts of the Colony, and especially in the Hantam, which had been long celebrated for its breed of horses.

Amongst other Inhabitants who, attracted by business to Cape Town, went to see this horse, and was struck with admiration of him, there was a certain Dirk Cornelius Okhuyzen, who was persuaded by a Mr. Poggenpoel (then a Clerk in the Orphan Chamber, and who also acted as Agent to Lord Charles Somerset in the sale of horses) to repair to Newlands, his Lordship's country residence, and where the "Sorcerer Colt" then was.

The circumstances of Mr. Okhuyzen's interview with Lord Charles Somerset will be afterwards detailed. It is sufficient at present to observe that Okhuyzen made some indistinct engagement of purchase of the horse, or of procuring mares for him, that he was either unable or unwilling afterwards to fulfil.

Partly induced by the expectations that had been held out to him and by the high prices that were likely to be offer'd by the farmers of the Hantam District for the purchase of the horse or for the use of him during a limited period for their mares, Lord Charles Somerset instructed Mr. Poggenpoel to proceed thither with the "Sorcerer Colt," and if he could not find any one who was willing to give the sum of Ten Thousand rixdollars (the price that had been asked for the horse ineffectually in Cape Town) he was to allow him to cover 40 mares at the sum of 100 Rixdollars each. At the latter end of the month of August 1817 Mr. Poggenpoel proceeded on his journey, and after having tried in vain to dispose of the horse

to one or two of the most opulent inhabitants of the Roggeveld, he left him in the care of the groom that had conducted him thither, at the house of the Field Cornet Van der Merwe situated in the most central position of the District, and returned to Cape Town.

Finding after the lapse of two months that no mares were sent to the horse, and that he was losing his condition from bad food and bad stabling, and apprehensive likewise of the effects of a second long journey over hilly and stony ground upon his feet, which had already suffered in the journey upwards, Lord Charles Somerset determined to send Mr. Poggenpoel to the Hantam for the purpose of once more trying to dispose of him at the best price he could obtain. Mr. Poggenpoel again left Cape Town, accompanied by Mr. Redelinghuys, who was a suitor to the widow Louw, and proceeded to the District of the Hantam. He arrived first at the house of Mr. Willem Louw, the Father of the Widow, who lived at no great distance from the place of Van der Merwe where the Horse had been left. All the members of this family had expressed a wish to purchase the horse, and their only objection was to the magnitude of the price asked for him.

During these deliberations the Widow Louw and her Mother left the Hantam in the middle of October and proceeded to Cape Town for the purpose of exhibiting the inventories and valuations of her estates. In their way thither they received a letter from Mr. Willem Louw the Father, containing certain directions as to the purchase of the horse.

On her arrival at Cape Town she saw Mr. Van Reenen, the person who had sold the estates, and she complained to him of the annoyance to which she was exposed by the intrusions of her Neighbours, but more especially by that of Dirk Okhuyzen, upon the Government land adjoining the estate called the "Groote Vlakte." The advice given to her by Mr. Van Reenen was to make an application to the Governor for a grant in perpetual quit rent of all the Government Land adjoining to the Groote Vlakte Estate, the land of that estate itself, as well as the Gemerkte Carreehoute Boom and the privilege attached to it of exclusive pasturage on the Hantam Mountain.

Mrs. Louw also expressed the wish that she entertained in common with her Father and Mother to treat for the purchase

of the "Sorcerer Colt," and which being approved by Mr. Van Reenen, he accompanied her to the Government House upon one or two occasions for the purpose of soliciting the Governor for the grants of the above estates and of endeavouring to obtain some reduction in the price of the horse.

As they were not successful in obtaining an interview with Lord Charles Somerset, Mrs. Louw returned with her Mother to the Roggeveld, and left Mr. Van Reenen charged with the care of her interests in Cape Town.

A memorial was accordingly addressed by him to His Excellency Lord Charles Somerset, setting forth the purchase of the lands by Mrs. Louw's Husband from himself and the application that he had before made for the conversion of the tenure, and praying that the two estates "Gemerkte Carreehoute Boom" and the "Groote Vlakte" should be granted to her in perpetual quit rent together with a tract of Government land that adjoined them.

This memorial is dated on the 11th November 1817 and on the 19th of that month it was referred by the Colonial Secretary to the Landdrost of the District of Tulbagh for his report.

Before that Gentleman proceeded to the Hantam to make his inspection, the purchase of the "Sorcerer Colt" had been effected by Mrs. Louw and Willem Louw her Father for the sum of 9600 rixdollars and a horse that was valued at 400 rixdollars, making together the sum that had been originally asked for him. Although the exact date of the purchase has not been ascertained, it must have taken place between the 20th and 30th of the month of November 1817.

The inspection of the lands by the Landdrost and one of the Heemraden, accompanied by one of the District Surveyors, took place in the month of February 1818, and on the 4th May 1818 the Landdrost Mr. Fischer made his report upon the nature and extent of the lands prayed for by the Widow Louw. This report was referred to the Inspector of Lands and Woods (Mr. D'Escury) whose notes upon it were not returned to the Colonial Government until the 25th January 1819.

In this interval Mrs. Louw had intermarried with Mr. Redelinghuys, who in the month of February 1819 addressed a memorial to the Governor praying for the grant of a tract of

Government land lying between the two estates that he possessed in right of his wife in the Roggeveld. This memorial was referred to the Inspector of Lands and Woods, who was desired at the same time to report to the Governor upon the best mode of appropriating the Hantam Mountain and Government land that was applied for, and further upon the means to be adopted for binding Redelinghuys to the continued obligation of keeping up a due proportion of stock upon the extensive farms that he prayed to have converted.

The Inspector made his report and observations upon these subjects on the 1st March 1819, and they were afterwards referred to the consideration of the Landdrost Mr. Fischer and a commissioned Heemraad of Tulbagh.

While they were deliberating Mr. Redelinghuys (apprehensive that as the Hantam Mountain had not been surveyed, it might not be included in any decision of the Governor respecting the lands adjoining) presented a memorial dated 5th October 1819, with two documents in support of the right of exclusive pasturage on the Hantam Mountain and praying that it might be surveyed.

On the 15th October 1819 a letter was despatched by the Deputy Colonial Secretary Mr. Ellis, and by order of Lord Charles Somerset, to the Landdrost of Tulbagh calling for an answer to the several memorials and observations that had been transmitted to him in the month of May preceding. An answer dated 8th December 1819 was received from him and laid before His Excellency in the Schedule, together with the remarks of the Colonial Secretary Lieutenant Colonel Bird on the 20th December 1819, and on the 24th of that month a letter was despatched by the Deputy Colonial Secretary Mr. Ellis to the Landdrost of Tulbagh informing him that His Excellency the Governor had approved of the valuations of Quitrent that had been made upon the lands prayed for by the Widow Louw, that he was pleased to order a Survey to be executed of the Hantam Mountain with a view to fix the Quitrent upon it, and further directed an inquiry to be made respecting the claim of the Inhabitants of the district to the right of depasturing their horses on the Hantam Hill, His Excellency expressing a wish at the same time to comply with the prayer of the memorial of Mr. Redelinghuys for the

exclusive pasturage, provided it did not affect the rights of others.

On the same day (24th December 1819) the grants of the estates that had been prayed for by the Widow Louw in November 1817 were made out and signed by the Governor.

On the 13th January 1820 and three weeks after the grants had been confirmed to Mr. Redelinghuys His Excellency Lord Charles Somerset left the Colony for England, and between that period and the month of January 1823 no other step seems to have been taken by any of the parties interested in the appropriation of the Hantam Mountain than the presentation of a memorial by Dirk C. Okhuyzen couched in very vehement language and inveighing strongly against the monopoly claimed by Redelinghuys of the pasturage. This memorial was referred to the Landdrost, but the report has not hitherto reached the Colonial Office.

In January 1823 Mr. Redelinghuys who in the year 1820 had sold the Groote Vlakte Estates and the Government land adjoining to his Father in law, and had also disposed of his wife's estates in the Roggeveld, renewed his application to His Excellency Lord Charles Somerset for an order to the Landdrost to proceed to a survey of the Hantam Mountain. About the same time the Deputy Landdrost of Clanwilliam transmitted a memorial of the Inhabitants of the Hantam District, being a copy of one that they had prepared and signed in the year 1819, but which had never reached the Governor's hands in consequence of the neglect of the then Deputy Landdrost, praying that they might not be excluded from the privilege of driving their horses to the Hantam Mountain during periods of distemper.

These memorials were referred to the Deputy Landdrost for his report. Some time elapsed before it was received, but on the 19th December 1823 Lieutenant Colonel Bird received His Excellency's commands to convey his final determination to the Deputy Landdrost to appropriate the whole of the Hantam Mountain as commonage to all the Inhabitants of the District in proportion to the number of horses returned as the bona fide property of each, accompanied by regulations that were binding on all, as to the time of the year in which the horses were to be admitted to graze, and that kept in view the

periods in which the return of the horse distemper might be expected.

Mr. Redelinghuys having received an order to comply with these regulations and to remove his horses and cattle from depasturing on the Hantam Mountain, immediately repaired to Cape Town and represented to His Excellency Lord Charles Somerset the prejudice that his Lordship's decision would occasion to him by the passage of the horses of the several Inhabitants through the cultivated lands of his estate the " Gemerkte Carreehoute Boom " to the Mountain, and renewed his former objection on the ground of the exclusive right which he contended was granted to Mr. Van Reenen and was transferred from him by purchase to the first Husband of his present wife.

His memorial was referred to the Deputy Landdrost, who reported that the damage occasioned by the passing of Horses through the estate of Redelinghuys would be prejudicial to him, that the inhabitants of the District were not anxious about the commonage of the Mountain and only wished to secure a safe retreat for their horses on the approach of the Distemper. The Deputy Landdrost added that the entire loss of the pasturage of the Hantam Mountain would be prejudicial to Mr. Redelinghuys.

In reply to this report the Deputy Landdrost was informed that His Excellency the Governor had suspended his decision upon the memorial of Mr. Redelinghuys, but that in the meantime no disturbance was to be given to the grazing of his Cattle upon the Mountain. In case however of the horse distemper breaking out, the Deputy Landdrost was authorized to allow the Studs of others to be sent to the Mountain during the malady.

In this state the question respecting the Hantam Mountain now rests, and nothing further has transpired respecting the intentions of His Excellency the Governor to bestow, or the claims of the inhabitants to receive, the benefit of His Lordship's decision of the 23rd December 1823.

Before we proceed to make any comments upon the facts that we have thus recapitulated, we feel it necessary to notice the construction that Mr. D'Escury has persisted in ascribing to the extract that your Lordship has furnished us from his

papers and from which the charge was framed that has been the subject of our inquiry.

Mr. D'Escury states that he most unequivocally disavows the remotest intention of charging His Excellency the Governor with "having corruptly made an extensive grant of land to Mr. Redelinghuys in consideration of the sale of a horse," or of "having in the slightest degree contemplated to convey even the meaning of such a charge."

In the numerous addresses that we have received from Mr. D'Escury since the commencement of this inquiry, and in the answers that he gave when directly questioned on this point, he maintains that the two circumstances that have been stated by him, namely the sale of a horse for a large price to the same individual to whom afterwards an extensive grant of land was made, involve no charge of corrupt intention in the person who made the grant, that the coincidence was in the case of Mrs. Louw's grant purely accidental, and that altho' it is so considered, yet it is striking and much to be lamented, as it has exposed the Governor to observations which detract from the respect that is due to him in that situation as the Representative of the Sovereign.

Pressed with the difficulty that he felt in removing the construction that inevitably attaches to the statement of the two facts, placed as they are in connexion with each other in the concluding paragraph of the extract, Mr. D'Escury has laboured to prove to us that either of them taken singly, that is the sale of horses by the Governor for large sums of money, or the grants of very extensive tracts of land, are circumstances that have given rise to unpleasant reflections, and that they constitute evils of such a nature as he Mr. D'Escury in his office of Inspector of Government Lands and Woods was bound to submit to your Lordship's notice.

Now we think that it is easy to prove to your Lordship that the passages from which the charge imputed to Mr. D'Escury has been made out are not susceptible of any such construction as that which he contends for, and that under the pretext of referring to accident, and affecting to lament, a coincidence of two facts which if taken singly and separately would imply no charge against Lord Charles Somerset's character, and therefore no ground of public animadversion, he has by connecting them

together and constituting one of them as a reason for providing a check upon his power, in respect to the other, plainly shewn an intention to imply that there had been made a corrupt use of it.

In the further elucidation of this subject it may be necessary to take a short retrospect of the circumstances and motives that appear to have impelled Mr. D'Escury in the course he thought proper to adopt, and then to advert briefly to the nature of the subject that was under discussion when he introduced the passage in question.

Mr. D'Escury, whose unremitted application had led to a large increase in the business of his office, which had been also considerably augmented by the measure adopted in 1813 for the conversion of the lands into a new tenure, was indebted to Lord Charles Somerset in the year 1816 for having recommended and obtained for him a considerable increase to his emoluments. He subsequently sustained in common with other Colonial Servants who were paid in Cape Currency a heavy loss in the depreciation of that currency in exchange. As some other public Servants similarly circumstanced had obtained additional appointments in aid of their resources, he applied to Lord Charles Somerset for a seat in the Court of Justice. His Lordship, who considered that the two appointments would be incompatible, civilly deferred a final decision till a vacancy should happen, and having then appointed a Gentleman who from having filled the office of Deputy Fiscal was considered to be better qualified than Mr. D'Escury, the latter imputed to Lord Charles Somerset a breach of promise, which his Lordship disclaimed having ever made.

Mr. D'Escury then applied to his Lordship for a further increase of emoluments of his office of "Inspector of Lands and Woods," and this application being refused he seems to have thought of preparing at large a statement of his whole case, involving the transactions of his Department, to lay before us on our arrival, but it being reported at the Cape that we were destined to proceed in the first instance to Mauritius, he forwarded his papers to Mr. Wilmot Horton and was prepared with duplicates, which he presented to us a few days after we landed.

In these voluminous papers, already before your Lordship,

were included the particular statements which are the subject of our present inquiry.

After assuming that Lord Charles Somerset's motive for refusing to increase his salary was that of public economy (altho' no motive is stated to have been assigned) Mr. D'Escury entered into a detail of other appointments made by his Lordship, (in which he contends that every principle of economy was lost sight of), and also undertook to explain the management of the Groote Post farms, in which he boldly affirmed that the neglect of a system he had recommended, and the adoption of the present one which he had impugned, were decisive proofs of the Governor's neglect of public economy, and the little influence that it had in regulating his public measures. He stated that Lord Charles Somerset had been in the habit of selling to the Government farms at very high prices the horses that he imported from England, and under the pretext of illustrating, in the shape of a note, his observations upon the discreditable character of such transactions, Mr. D'Escury mentions the grant of land to an Individual who had just before purchased a horse from his Lordship at an enormous price, as one of two instances which he says are adduced in support of a suggestion that was made by him of the necessity of providing a check upon the Governor's power of making grants of land.

It is here very natural to ask what possible connexion the necessity of a check upon the power of granting land or the sale of a horse at a large price to an individual, could have with the economical administration of the Government Farms. Mr. D'Escury must have been conscious (indeed he himself has noticed it) that the appropriate occasion for the mention of the grant of land to Mrs. Louw was that in which he had elsewhere devoted much space as well as diligence in observing upon the Governor's exercise of the power in general. But after making every allowance for the very diffuse and unconnected tenor of all his addresses and observations, the abrupt introduction of two such subjects into a note and their connexion in the same sentence proves a manifest intention on the part of Mr. D'Escury to surprise your Lordship into a belief that something had occurred in the transaction of the sale of the horse to Mrs. Louw, that created a necessity for in-

stituting a severe check upon the Governor's power of granting land. We have never been able to succeed in convincing Mr. D'Escury that it is the statement of this necessity that at once determines the character of the transactions of the sale of the horse, destroys the accidental coincidence that he affects to lament, and at once creates the charge that we are directed to try and which he displays so much anxiety to disavow.

Under the assurance with which we feel impressed that the view which your Lordship has taken both of the intentions of Mr. D'Escury and of the natural import of his language, will not undergo any alteration from the attempts that he has made to vary their signification, but that it will be strengthened on a reference to the tone and even the expression of his subsequent addresses to ourselves, we proceed to the examination of the several facts that have appeared in evidence before us in the course of the inquiry that we have pursued in obedience to your Lordship's commands.

It is here necessary to premise that the grants in question apply to those tracts of land at the Hantam Berg that constituted the property purchased by Mrs. Louw's Husband from Mr. Van Reenen in the year 1814, and some large tracts of Government land adjoining them to which also the exclusive right of grazing upon the Hantam Mountain was considered to be attached. The other grants were two estates that the late Mr. Louw possessed in his own right in the Roggeveld and which remained with the widow.

Although the term "Grant" has been applied to all these transactions, it may be expedient to bring to your Lordship's recollection the nature of a measure adopted by the Colonial Government, that will at once explain and determine the sense in which that term ought to be understood.

In the year 1813 a Proclamation was issued by Sir John Cradock, the object of which was the assimilation as far as might be practicable of the different tenures of land in the Colony, and in consideration of an augmented rate of quit rent in favor of Government, the concession of a larger and more permanent interest to the occupiers of land than they had hitherto possessed in it. That interest previously to this proclamation did not extend to the right of dividing or disposing of the land which in most instances was held on lease

renewable every year at a fixed rent, but was restricted to the buildings that might be erected upon it and which are denominated the "*Opstal.*" With the view also to restrain the practice that was common with the Dutch Inhabitants of occupying larger tracts of land than they could afford to stock or to cultivate, the extent of a "Loan Place" was declared limited to 3000 morgen or 6000 acres, and any land beyond that quantity was to be the subject of special report and concession upon an inquiry into its resources and particularly as to the means of dividing it.

The occupiers therefore of lands on lease (the form of tenure under which a very large proportion of the lands in the Colony had been held) were called upon to present Memorials to the Colonial Government requesting that permission might be given for the conversion of their loan places from that tenure into perpetual quit rent, and upon such terms as might be deemed reasonable after a survey had been made. In making these applications it has been always customary for the several Petitioners to pray for certain quantities of Government land which though not formally included in the customary limits of their original estates were enjoyed by the owners on account of their contiguity or any other circumstances. In this Government land the owner of the adjoining Loan place possessed no right, and the occupation was even deemed illegal, but it frequently happened that prior occupancy gave a preference to the claimant in competition with other proprietors in the same manner as priority of application is understood to give in the order in which the claims of several Petitioners to the same land are received and considered.

While therefore by the proclamation of Sir John Cradock that portion of an estate that was held in annual loan tenure became converted into perpetual quit rent, another portion that consisted of Government land was annexed to it and both were included under one and the same Grant. In both cases however the applicants are considered to take a new estate, the limits and conditions of which after being submitted to the personal inspection of a Commission of the Landdrost and one Heemraad of the District and to the measurement of the land Surveyor, are subject to the re[illegible]nd observation of the Inspector of Government L[illegible] Woods, and if a[illegible]

further explanation should be required are submitted with his remarks to the final decision of the Governor.

It is in this qualified sense therefore that the grants in question are to be considered, and not as donations of land bestowed upon an Individual or the creation of rights in his favor that were altogether new.

It will afterwards become our duty to shew in what respect these grants have been impeached as excessive or contrary to the public interests, or even as transgressing the rules that the Governor had laid down for his own observance, and out of proportion to the means of the grantee.

At present we wish to draw your Lordship's attention to one principal and important feature in the case, which tho' not insisted upon by Mr. D'Escury (as indeed it could not be consistently with his apparent desire of separating the consideration of the two facts that constitute the grounds of charge), yet do manifestly appear to us to result from our inquiries.

We mean here to refer to the simultaneous nature of the two transactions, the sale of the horse to Mrs. Louw, and the grants of the estates at the Hantam Berg to herself and Husband Mr. Redelinghuys. For altho' it will appear that the horse was sold in the month of November 1817 and that the grants of land were not made and delivered until the month of December 1819, and altho' the question of the right to the Hantam Berg cannot be considered as decided at this hour, yet we feel certain that if a corrupt motive could be imagined to have existed in the mind of Lord Charles Somerset either for making the grant, or for deciding the question of exclusive right to the Hantam Mountain in favor of Redelinghuys, that motive would not have operated less strongly in the year 1819 when the grants were confirmed or in 1824 when the right to the exclusive pasturage was conceded. The remoteness of the lands, the time that was consumed in executing the formalities that the law of the Colony required, and the various questions and references that have been considered necessary may have separated the two transactions in point of fact, but they could not extinguish any corrupt motive that might have tainted their original connexion with each other.

It has already been stated that the sale of the horse was

effected in the month of November of the year 1817, and it certainly appears that the memorial for the lands presented in the name of the Widow Louw by Mr. Van Reenen to the Governor Lord Charles Somerset was made in the same month in which the Bargain for the horse was concluded by His Lordship's Agent.

It must be recollected that the horse had been previously sent up to the neighbourhood of the Country in which Mrs. Louw resided for sale in August 1817, and it appears that her family had nearly made up their minds to purchase it in partnership at the period of her departure for Cape Town in October.

As she did not succeed in obtaining an interview with Lord Charles Somerset at Cape Town, the negotiation for the confirmation of the land was left in the hands of Mr. Van Reenen, the person who had sold the loan places to the Louws and received value for them, and was therefore in some degree interested in protecting them in the secure enjoyment of the same rights and privileges that he had conveyed.

The memorial that was addressed to His Excellency the Governor by Mr. Van Reenen in the name of Mrs. Louw is dated 11th November 1817, and the sale of the Sorcerer Colt was effected in the same month by Mr. Poggenpoel, His Excellency's agent for the sale of Horses, soon after Mrs. Louw's return to her Father Willem Louw's house in the Roggeveld.

All the subsequent transactions upon which Mr. D'Escury has observed and the references that were made to the Landdrost of his "objections" both to the grants of land, and to the exclusive right to the Hantam mountain, have grown out of the original application for the land just alluded to, and are merely parts of the same transaction.

Having established therefore and we think beyond a doubt the coincidence in point of time between the sale of the horse and the application for the land, and the subsequent discussions respecting the exclusive right to the Hantam Berg, we proceed to a consideration of the circumstances from which the corrupt motive that has been charged against Lord Charles Somerset in making these grants is to be made out.

For the reasons that we have before stated Mr. D'Escury

has in his written addresses transmitted to Mr. Wilmot Horton or presented to us since our arrival, confined himself to a statement and repetition of the arguments by which he asserts that he has triumphantly proved the grants to be excessive, contrary to the rules by which grants had been regulated, subversive of the public interests, and a ruinous sacrifice of the vital interests of a small community, all of which had been persisted in and conceded to the extravagant and unfounded pretensions of one favoured Individual.

The motives of Lord Charles Somerset he has never directly impugned, and it is only in one of the later papers that he addressed to us that he ventures to impute the various concessions made by his Lordship to Mr. Redelinghuys as the effect of some magical influence possessed by this Individual over his Lordship's mind, powerful enough to overthrow the best resolutions that he had formed, to make him resist the strongest arguments, and to violate the plainest rules of equity.

Before we enter upon an examination of these questions we conceive that it is necessary that we should consider the circumstances that preceded and attended the sale of the horse to Mrs. Louw, together with the manner in which grants of land have been made by His Excellency Lord Charles Somerset, with a view to discover whether the attainment of large pecuniary profits in the Disposal of his horses to Individuals was likely to produce or in this instance did produce such an influence upon the mind of the Governor as to make him forgetful of those considerations by which alone he ought to have been guided in the dispensation of the favors of the Crown, or forgetful of those still more sacred obligations that his Oath of Office had imposed upon him.

It has been stated by Mr. D'Escury to your Lordship as a fact "that Lord Charles Somerset is believed to be the only Importer of horses into this Colony, and that they are sold by His Excellency to different Individuals at very high prices."

Now from what authority Mr. D'Escury has made the first part of this statement, we have not been able to discover. He admits that he is not sufficiently acquainted with the subject to be able to state whether the importations of horses into this Colony by Individuals have been frequent, and he took no

pains to inform himself of the truth of that which, he ventured to allege, was believed to be true by others.

Upon reference to the Custom house Returns it will be found that in the period of ten years 22 Blood horses have been imported into the Colony by Lord Charles Somerset, and that 36 of the same description or Arabians have been either imported by Individuals from England or India, or purchased by them of the Importers. His Lordship had at an early period of his Government become sensible of the advantages that the Inhabitants of the Colony might derive from an Improvement of the Breed of their horses, which then consisted of the Arabian, Javan, South American and a very few individuals of the European race.

Mr. Van Reenen the former proprietor of the estates at the Hantam had under the Dutch Government paid much attention to his Breed of horses, and had increased their number as well as their value. In the year 1814 it appears that he sold to Mr. Louw ten mares for 30,000 Guilders or £1126 15*s*. Sterling, and eleven hundred sheep for 15,000 Guilders or £563 8*s*. Sterling. Two of the former had died soon after the purchase of the estates by Mr. Louw, but it appears that both at that time and previously there had not been either on these estates or in the neighbourhood, any Stallion of value corresponding with the advantages that they were considered to afford for the Breeding of horses.

There were other Stallions that had been imported from England belonging to Individuals in the neighbourhood of Cape Town, but there existed no probability that their owners would abandon the profit they derived from them at home, and risk the chances of obtaining it in a district that was situated not less than 9 days journey from the Cape.

In the meantime expectations had been held out to Lord Charles Somerset that there were opulent Farmers either at the Hantam or in the neighbouring District of the Roggeveld who, if the opportunity offered, would be willing to give a large price for the purchase or use of a good Stallion. His Lordship therefore was determined upon giving them this opportunity, and altho' we have not been able to trace any distinct offers that had been made for the horse before he left Cape Town, yet we think that his Lordship's determination in

sending him to the Hantam Berg was influenced by a mixed motive, that of benefiting the District by the introduction into it of a valuable breed of horses, and that of obtaining a good price for the Sorcerer Colt in the event of his disposal, and a large profit upon his Services as a Stallion in case he should not be sold.

Mr. D'Escury has stated generally that the prices obtained by Lord Charles Somerset for the horses that he imported and sold were very high, but that the price obtained for the Sorcerer Colt was enormous. The knowledge possessed by Mr. D'Escury upon the subject of the value of horses is admitted by him to be very limited, and he does not appear to have taken any opportunity of enquiring whether the sum given for the Sorcerer Colt was (as he stated it to your Lordship to be) "enormous," for he says that he had never seen it, nor had heard that it was a horse of extraordinary qualities. This last fact however and not an unimportant one in the consideration of the price of a horse, has been satisfactorily proved to us from various quarters, and it is unquestionable that the Sorcerer Colt was one of the most valuable Horses that ever were imported at the Cape of Good Hope as a Stallion.

It is stated by a gentleman more conversant we believe than any other Individual in the Colony in the purchase and value of Blood Horses, that altho' the price of ten thousand rix-dollars that was given for the Sorcerer Colt was large, it was not enormous. It has been proved to us that the same sum was given nearly about the same time by Mr. Dirk van Reenen, an opulent and enterprising farmer near Cape Town, for a horse called "Luturyche," inferior in every respect, in age, size, and power to the Sorcerer Colt, and lastly it has been stated to us by Mr. Melk, the possessor of the best breeding stud and the most successful breeder of horses in the Colony, that if he had not been possessed of a well bred stallion at the period at which the Sorcerer Colt was sold to Mrs. Louw, he would have been glad to have become the purchaser. The same opinion of the horse was entertained by Mr. Bergh who received him in his stable on the journey to the Roggeveld, and who also states that he would readily have bought him, had he possessed the means of paying so large a sum.

We have further considered the epithet of "enormous" in

reference to the risk and expenses attending the importation of horses from England at the Cape of Good Hope, and we find that unless the original cost in England be very low there can be no expectation of profit, and that according to the prices that Blood horses now bear in England, there would be an actual loss, unless the selling price in the Colony exceeded 8000 Rixdollars. We possess no distinct information respecting the original cost of the Sorcerer Colt in England, or with respect to the losses sustained by his Lordship on the occasion of importing him. It is certainly true that the expectations of Lord Charles Somerset and of his agent Mr. Poggenpoel in the offers that would be made for the horse in the Hantam and Roggeveld Districts, or of 40 mares being sent to him at the rate of 100 dollars each, were disappointed, and the probability seems to have been that the family of the Louws would not have been able to have made the purchase if they had not formed a partnership in which it was agreed that Willem Louw the Father of Mrs. Redelinghuys should be responsible for one half of the purchase money, and that she herself should pay the other half. It further appears that a difficulty had occurred in providing proper accommodation for the horse in that part of the Country, and this circumstance together with the bad condition of his feet in consequence of his travelling over very hard and stony roads from Cape Town to the Roggeveld and thence to the Hantam, and the advanced state of the season rendered it so desirable to effect the sale upon the spot, that if he had not been purchased by Mrs. Louw and her Father it may well be doubted whether Lord Charles Somerset must not have submitted to a reduction in the sum of 10,000 dollars that he asked for him, or have exposed him to the risk of making a second journey to Cape Town. Under these circumstances we are disposed to think that the sale of the Sorcerer Colt at that time was not without its advantages to Lord Charles Somerset, but that the price he obtained has been erroneously termed " enormous."

As it did not appear that Mr. D'Escury had acquired any knowledge of the manner in which the sales of Lord Charles Somerset's horses to Individuals were conducted, and as we felt that the essential part of the charge that had resulted from his statements must greatly depend upon the information that

we should receive upon this point, we required the attendance of an Inhabitant of the Hantam named Okhuyzen, who had also been an applicant for a portion of Government land and had been in treaty with Lord Charles Somerset for the purchase of a horse, of Mr. Bailey who was Brother in Law to the late Mr. Van Reenen, of Mr. Poggenpoel, the agent usually employed by His Lordship in the sale and purchase of horses, and lastly of Mrs. Redelinghuys and her Father Willem Louw.

We will first consider the case and evidence of Okhuyzen as being in a slight degree anterior to that of Mrs. Redelinghuys in point of date and superior to it in point of importance.

This Individual it appears had formerly been in the Dutch Marine, and had taken advantage of a short residence in England to acquire an imperfect knowledge of the Language. For several years he had had the charge of superintendence of Mr. Van Reenen's horses at the Hantam, and was paid for that service in the produce of the mares. Mr. Van Reenen being dissatisfied with him, Okhuyzen left his service, and through the influence of Mr. Bergh the Deputy Landdrost he received permission to graze his stock (the only property he possessed) upon a tract of Government land contiguous to one of the estates of Van Reenen, upon which he had contrived during his service to erect a dam for water, there being no stream or spring for its natural supply in that part of the Government land.

Okhuyzen after the sale of the property to Mr. Louw became superintendent for him of the stock and estates in the Hantam, and continued there until after his death. From this state of dependance upon others, Okhuyzen became possessed of Stock, but had no land whereon to graze them except that portion of Government Land which he held by permission of the Deputy Landdrost. From its contiguity to the lands of Mrs. Louw his cattle frequently trespassed upon it, and his intrusions became at last so frequent and troublesome that they are alleged as forming the reasons for renewing the application for the grant of the land that had first been made by Mr. Van Reenen in the year 1813 previous to the sale of the property to the Louws.

Since that period Okhuyzen appears to have taken the lead amongst the inhabitants of the Hantam District in opposing

the pretensions of Redelinghuys to the exclusive pasturage of the Hantam Mountain, and to have communicated to Mr. D'Escury from time to time the representations of the other Inhabitants who were interested in opposing that claim or in curtailing the extent of his grant.

We think it right to allude to these circumstances, for altho' we do not conceive that they have had any influence over the mind of Okhuyzen in the statements he has made respecting Lord Charles Somerset, yet we cannot conceal from your Lordship our belief that through the enmity subsisting between this man and the family of Van Reenen and his successors in the estates, some exaggeration has been given to the statements of Mr. D'Escury, and that even as far as regarded the local description of the Country the representations of Okhuyzen ought to have been received by him with a greater degree of caution.

It has been already stated that Okhuyzen happened to be at Cape Town in or about the month of July 1817 when it was known that the Sorcerer Colt was offered for sale, and it appears that being desirous of obtaining particulars respecting him, Okhuyzen addressed himself to Mr. Poggenpoel, who at the first interview encouraged his wish to see the horse, but held out no expectation of any reduction being made in the price of 10,000 rixdollars that was asked for him.

Okhuyzen had come to Cape Town for the purpose of endeavouring to expedite the progress of a memorial that he had presented during the Government of Sir John Cradock for the conversion into perpetual quit rent of the tract of Government land at the Hantam Berg of which mention has already been made. In conversing with Mr. Poggenpoel upon the price of the horse he took occasion to mention also the subject of his memorial, upon which Mr. Poggenpoel proposed that Okhuyzen should accompany him to Newlands (the Country residence of the Governor near Cape Town) when he might have an opportunity both of seeing the Sorcerer Colt and of making a personal application to the Governor respecting the state of his memorial.

Before we enter into a detail of what took place at this interview we deem it necessary to inform your Lordship that amongst the Dutch and Native Inhabitants of this Colony

generally there exists no sense of the indelicacy of combining with their solicitations for the favors of the Crown the discussion of matters that are purely of a personal nature.

It will be satisfactory to your Lordship to know that whenever such solicitations have been made in the presence of Lord Charles Somerset, and combined with offers for the purchase or sale of horses, the Individuals who so far forgot the respect that they owed to the character and dignity of the Governor have been checked by him and severely admonished.

We wish that it were in our power to state that the same caution had been used by the Person whom his Lordship was in the habit of employing as his Agent, altho' he admits that he received his Lordship's especial instructions that in all negotiations respecting horses he should observe a constant distinction between the public and private character of the Governor.

The accounts of Okhuyzen's interview with Lord Charles Somerset at Newlands given by himself, Mr. Poggenpoel and David Kinniburgh, the only three persons who were present, differ in some important particulars from each other. To that of Kinniburgh we are disposed to allow the greatest degree of credit, as he appears to have been at the time a perfectly disinterested witness, and his account is confirmed in some respects by that of Okhuyzen. He states that he asked permission of Lord Charles Somerset to show his horses to Okhuyzen, and that when they were looking at the Sorcerer Colt His Lordship joined them. Okhuyzen expressed his admiration of the horse, and being made acquainted with the price desired Kinniburgh to interpret to Lord Charles Somerset that if he could obtain a piece of land adjoining that on which he lived he would then feel disposed to take the colt. It is here stated by Kinniburgh that much displeasure was manifested by Lord Charles Somerset, who declared that "if such was the language of Okhuyzen he could not have the horse at any rate."

Okhuyzen's account of this interview is so far different from the preceding one that he states his principal object in wishing to see Lord Charles Somerset to have been the accomplishment of his views respecting the land, and that he told Mr. Poggenpoel to explain to Lord Charles Somerset that unless he

succeeded in obtaining it, he never could think of buying the stallion.

His Lordship is stated to have made some inquiry respecting his memorial as well as the situation of the land, and finding that it had never been inspected, informed him that nothing could be done respecting it until the Landdrost had made his report, and that with a view to hasten it he would give him a letter to the Deputy Landdrost Mr. Bergh, of which he should be the bearer, and that if it appeared upon the Landdrost's report that the land he prayed for was Government land and disposable in other respects, there would be no objection to his having it. His Lordship however added " that he must not expect to obtain the land because he bought the Stallion."

Whatever doubt may exist between the accuracy of this account and that of Kinniburgh, two points stated in it have been confirmed by written documents. Okhuyzen was the bearer of a letter from Lieutenant Colonel Bird addressed by Lord Charles Somerset's directions to the Deputy Landdrost of Clanwilliam, and by the production of two letters that were written some little time afterwards by Mr. Poggenpoel to Okhuyzen it certainly appears that an expectation had been entertained by Mr. Poggenpoel that Okhuyzen would purchase the Sorcerer Colt, and that the Landdrost would proceed immediately to inspect the land.

These letters which were produced by Okhuyzen, after communication of their contents to Mr. D'Escury, were acknowledged by Mr. Poggenpoel to be his handwriting. The first of them refers to some understanding or conditional purchase that Okhuyzen must have made before he left Cape Town and to some promise of assistance that he must have made respecting the mode of disposing of more than one of Lord Charles Somerset's horses which it appears to have been in contemplation to have sent to the Hantam District.

Okhuyzen denies that he ever made any agreement for the purchase of the Sorcerer Colt, but admits that he had given Mr. Poggenpoel to understand that if he succeeded in obtaining the land he had applied for he might be induced to purchase one or other of the stallions of Lord Charles Somerset that were for sale.

After waiting some time for an answer from Okhuyzen an

unsatisfactory letter was received from him by Mr. Poggenpoel, in which he complained of the delay of the Landdrost in proceeding to inspect and survey his land, assigning for reason the absence of the surveyor.

To this letter Mr. Poggenpoel replies in one dated August 1817, and professing at the same time to convey to Okhuyzen the sentiments of His Excellency the Governor, and in calling to his aid the despatch that is only given to official communications, manifests a greater degree of anxiety respecting the inspection of the land, and the disposal of the horse, than was consistent with the injunction that his Lordship had given to Okhuyzen to keep the consideration of public and private matters entirely distinct. That Okhuyzen had combined them in his own mind is inferred from the necessity that existed for such an admonition, and we think that the language of Mr. Poggenpoel's second letter involved such a departure from the spirit of the injunction as virtually to have disqualified him even at that period as the agent of the Governor in negotiations for the sale of horses.

Notwithstanding the measures that had been taken in favor of Okhuyzen to secure an early inspection of the land, it was postponed in consequence of the absence of a Surveyor and other difficulties arising partly from the opposition of neighbours, one of whom (Gous) conceived himself prejudiced by the encroachment of Okhuyzen when Mrs. Louw became possessed of the dam he had constructed. Hence it happened that he did not obtain a final answer to his memorial until some time in the year 1823, when permission to occupy the land was accorded to him.

Whatever doubt may exist respecting the intention of Okhuyzen to purchase the Sorcerer Colt, it is hardly necessary to repeat that he did not effect it.

The disappointment experienced by Lord Charles Somerset in the disposal and in the employment of the horse occasioned the second visit of Mr. Poggenpoel to the Roggeveld. In this visit he was accompanied by Mr. Redelinghuys, and although we feel convinced that Lord Charles Somerset ought not to be made responsible for the ill timed and indiscreet anxiety of his Agent to promote his interests by effecting the sale of the horse, yet we feel ourselves bound to advert to a statement

that was voluntarily made to us by Mr. Poggenpoel at the commencement of his examination, explanatory of the means by which he sought to accomplish it.

Your Lordship will find it stated by Mr. Poggenpoel, that being aware of Redelinghuys's intentions with respect to Mrs. Louw, he engaged the evening before he left Cape Town that he would exert all the influence he possessed over her mind to promote a favourable reception to the addresses of Redeling huys provided that the latter would in return encourage her to make the purchase of the horse.

Ridiculous as this project may appear, it is nevertheless certain that it was carried into execution, and that it was not without its effect in swaying the determination of the Widow Louw.

Another effort appears to have been made for that purpose in a letter that was written or rather dictated by Willem Louw and addressed to his Wife, who was then proceeding with his Daughter to Cape Town. Mr. Poggenpoel who in his first visit had left the Sorcerer Colt for sale in the Roggeveld District and was returning to Cape Town, took charge of this letter and delivered it to Mrs. Louw when he overtook them near the end of their journey. The letter is alleged to have been written by Okhuyzen, corrected by Mr. Poggenpoel, and signed by Willem Louw. The former of these persons was much in the habit of acting as amanuensis to the Boers, and as he had renounced all idea of purchasing the Sorcerer Colt himself, thought perhaps that he could not render a more acceptable service to Mr. Poggenpoel than by assisting him to dispose of the horse at a good price to another. That he should have been induced to second the object of Wm. Louw respecting the land is explained by his declaration that he was ignorant at the time that the land he wished to obtain included that which he occupied himself. We required the production of the letter, but it was not to be found. Its contents are stated to have consisted of recommendations from Willem Louw to his Wife and Daughter to make urgent application for the whole of the Government land that was then occupied and was considered to be attached to one of the estates of Mrs. Louw, and to endeavour to obtain a reduction in the price of the horse, but at all events to purchase it.

It appears that about this time a family arrangement had been made between Mrs. Louw and her Father subject to the contingency of purchasing the horse, and of Mrs. Louw's obtaining the confirmation of the Government land. It imported that the estate to which it was contiguous named the "Groote Vlakte" and the Government land should be sold to Willem Louw the Father with a reservation of a certain portion that included the dam before mentioned for the grazing of her horses during the winter. Two reasons were assigned for this arrangement. It enabled Willem Louw to discharge a security that he had given to the Directors of the Orphan Chamber in favor of the two children of Mrs. Louw, and which it would not have been agreeable to him to continue after her new connexion with Mr. Redelinghuys that was then resolved upon, and it afforded him an advantage which his own estates in the Roggeveld District did not possess, of grazing his breeding mares and keeping them on good pasture at the same place in which the Stallion was to be kept by him during one half of the year.

In this arrangement and in furtherance of which the letter of Willem Louw was written, your Lordship will not fail to observe a positive connexion existing in the minds of these parties between the purchase of the Sorcerer Colt and the grants of land that Mrs. Louw was in expectation of obtaining. Altho' it is denied by Mr. Poggenpoel that he even knew of such a letter being written or that he was the bearer of it to Mrs. Louw (two points in which he is positively contradicted by her and by Okhuyzen) we think that the evidence is in favor of the conclusion that he did both, and that he was perfectly well acquainted with the whole of the family arrangement which evidently made the purchase of the Sorcerer Colt and the concession of the lands to Mrs. Louw dependent upon each other. The death of Mr. Van Reenen, the agent of Mrs. Louw and former possessor of her estates, has deprived us of the information that we might perhaps have obtained through him of a conversation that appears to have taken place between Lord Charles Somerset and himself on his presentation of Mrs. Louw's memorial for the land. We were informed by Mr. D'Escury as well as by a Mr. Heatlie that Mr. Bailey, a naval Surgeon and a resident of Cape Town, could afford us much

information upon this part of the subject. Upon his examination we found that the late Mr. Van Reenen was Mr. Bailey's Brother in law and was upon a visit at his house in the year 1817 when the negotiation was going forward for the grant of Mrs. Louw's estates and for the purchase of the Sorcerer Colt. In this negotiation Mr. Van Reenen took a leading part, and altho' we have no reason to discredit the evidence that Mr. Bailey has given upon the subject, yet we do not conceive that the imperfect recollections of this gentleman of the conversations that Mr. Van Reenen informed him he had held with the Governor, could justly be admitted as evidence. Their utmost extent is to shew that Mr. Van Reenen entertained an opinion that we have already had occasion to notice as common to the native Dutch Inhabitants, that the purchase of the Stallion at a high price from the Governor might not be without its effect in an application to him for the grant of a large tract of land.

These circumstances that we have recapitulated form the whole of the evidence that we have been able to collect respecting the manner in which the sale of the Sorcerer Colt was effected.

We have not thought it necessary to dwell much upon the mode in which payment was made of the purchase money. The terms on which Lord Charles Somerset in general sold his horses were such as to afford great accommodation to Purchasers of thorough Bred Stallions and no doubt contributed to raise the nominal amount of the prices for which they sold. In the present case the sum of 10,000 rixdollars was engaged to be paid in two instalments of one and two years, deducting 400 dollars the value of a horse that was taken in part payment. If the expectations that had been formed of the profits arising from the services of the Stallion had been realized, these terms tho' less indulgent than those usually accorded by his Lordship might have been considered sufficiently favorable.

Reverting again to the negotiations for the sale of the Sorcerer Colt by Mr. Poggenpoel it appears to be certain as well in the case of Okhuyzen as in that of the Widow Louw, that transactions involving the personal interests of the Governor with Individuals who were applicants for the bounty of the Crown were brought in contact with the consideration

of measures in which the public interests were involved. The Governor, as it will be seen hereafter, had a serious discretion to exercise in both cases, for the objects which both parties were seeking had given rise to contention between themselves and others partly on public and partly on individual grounds.

We have no doubt that the hope of contributing to the improvement of the Breed of horses made the Governor desirous of selling the Sorcerer Colt to some person resident in the Hantam District, and if the price that was asked for him had been moderate and if the circumstances under which he was sold by his Agent had not been almost of a compulsory nature, we might have come to the satisfactory conclusion that no consideration other than that of the public interest had any influence over the transactions which it has been our duty to investigate, and we may be allowed here to express our deep regret that transactions which as far as they regarded the Governor of the Colony required the utmost delicacy of treatment should have been committed to the direction of so indiscreet a person as Mr. Poggenpoel.

Without questioning his integrity or his zeal in the Agency he had undertaken, the knowledge we have acquired of him in the course of this inquiry compels us greatly to doubt his discretion in the use of the Governor's name and in holding out expectations of his favor. To the want of these qualities we attribute his discreditable project of associating Mr. Redelinghuys in his attempt to persuade Mrs. Louw to purchase the Sorcerer Colt, a project of which we are persuaded that Lord Charles Somerset had not the slightest knowledge until Mr. Poggenpoel's evidence was placed by us before his Lordship. A long acquaintance and familiarity with the persons most in the habit of buying and breeding horses, a certain dexterity in negotiation with the Dutch Inhabitants, and a great volubility of speech were qualities that rendered Mr. Poggenpoel a skilful agent in the purchase or sale of horses, but at the same time such as to denote him an unsafe medium of transactions with persons who were incapable of appreciating that delicate distinction by which the honor and high character of the Governor was to be preserved.

We now proceed to an examination of the grounds upon which Mr. D'Escury has opposed and latterly has impeached

the grants made by Lord Charles Somerset to Mr. Redelinghuys, as independent of the duty imposed upon us by your Lordship's letter of instructions we feel that it is a matter of some importance to avoid the course adopted by Mr. D'Escury himself both in the observations that he has addressed to Mr. Wilmot Horton and in those that he has subsequently addressed to ourselves.

Mr. D'Escury in the performance of the duties of his office of "Inspector of Government Lands and Woods" in this as well as in many other instances has been allowed (it seems) to have a very free access to the Documents in the Colonial Office, not only to those connected with his own Department but to those which in his capacity of Translator to the office are occasionally referred to him. In this sense it is, we presume, that his office is deemed by the late Colonial Secretary Lieutenant Colonel Bird to form part of the Colonial Office.

As Mr. D'Escury appears to have made a free use of Documents that have not in our judgments fallen within the precise and natural limits of his Department, we mention this circumstance to account for his possession of them as well as for his reference to topics of illustration and argument that are drawn from the same source.

The objections made by Mr. D'Escury to the grants may be reduced to the following points :—

1st. The magnitude of the grants.

2nd. The violation of a rule by which all new accessions of land are prohibited from being given in quit rent while the applicant possesses other places on loan lease unconverted, or for converting which into quit rent no memorial has been presented.

3rd. The advantage that might have been derived by other Individuals in the division of the lands prayed for.

4th. The want of means in the Widow Louw to stock or cultivate the quantity of land that she prayed to be added to the estate at the Hantam.

5th. The want of title in Redelinghuys to the exclusive pasturage on the Hantam Mountain, and the great loss and prejudice that the exercise of that right occasioned during the periods of the horse-sickness to the owners of horses in the neighbourhood. Taking these objections in the order in which

we have now placed them, we have to state respecting the first that in the memorial presented by Mr. Van Reenen on behalf of the Widow Louw, she prayed for the confirmation of three estates, the "Groote Vlakte," the "Gemerkte Carreehoute Boom" to which was annexed the privilege of grazing on the Hantam Mountain, and the "Riet Fonteyn," and as several neighbours had trespassed upon the lands adjoining these estates and disturbed the occupation of them such as it was in the time of Mr. Van Reenen, she prayed that as much of the Government land as could be allowed to her without prejudice to the neighbouring estates, and as much as had been formerly applied for by Mr. Van Reenen, should be granted.

This memorial having been referred to the Landdrost of Tulbagh, his answer addressed to the Colonial Secretary which preceded his official report upon the memorial was unfavorable only to the pretensions of Mrs. Louw as they regarded the pasturage of the Hantam Mountain. He represented the extent of it to be immense (no regular measurement of it having been made) and that it was much too large for a single Individual, especially for one who had appeared to pay so little attention as Mrs. Louw had done to the management of her Stock. The extent of the two estates and of the Government land adjoining them is described in the Landdrost's report, and it amounts altogether to fifteen thousand four hundred and ten morgen or thirty thousand eight hundred and twenty acres, of which eleven thousand three hundred and fifty seven morgen or twenty two thousand seven hundred and fourteen acres consisted of Government land.

In the whole of this large tract the proportion of land fit for tillage is stated not to exceed forty-two morgen and a half, or eighty-five acres, and of these last only fifty acres are capable of being irrigated. The Diagrams and the grants of each estate are added in the appendix, but as no survey has yet been completed of the Hantam Mountain, we are only able to state that the base of the mountain occupies a space of 50 miles in circumference, and that it consists of a long and stony ridge, the sides of which rise in most places very abruptly from the plain. The most practicable and frequented paths that lead to its summit traverse the "Gemerkte Carreehoute Boom" and "Groote Vlakte" estates. There are practicable

the grants made [illegible] adjoining estates, but
as independent of [illegible]
letter of instructi[illegible]
ance to avoid th[illegible] of water upon it and
both in the observ[illegible] in the spring and summer
Horton and in th[illegible] situated upon that end of
ourselves. [illegible] estates before mentioned.

Mr. D'Escury in [illegible] Ravines, which irrigate
"Inspector of [illegible] cattle that are depastured
as in many other [illegible]
a very free access to [illegible] estate as contained in its
only to those connect[illegible] surveyor to consist of "very
which in his capacity of [illegible] with water.
referred to him. In th[illegible] prayed for is described by
is deemed by the late [illegible] affording good pasturage.
Bird to form part of the [illegible] constant springs and three

As Mr. D'Escury appe[illegible] summer. The Estate of the
ments that have not in o[illegible] appears to consist of pasture
and natural limits of his [illegible] watered.
stance to account for his [illegible] of the Surveyor in the
reference to topics of illustr[illegible] granted to Mr. Redelinghuys
from the same source. [illegible] because we have found

The objections made by [illegible] very correct, and that he
reduced to the following pa[illegible] the Surveyor Mr. Meiring

1st. The magnitude of the [illegible] tracts over which he

2nd. The violation of a ru[illegible]
land are prohibited from be[illegible] upon the two estates
applicant possesses other pla[illegible] prayed for is quite silent
for converting which into qu[illegible] of the remarks in which
presented. [illegible] of the land would

3rd. The advantage that mi[illegible] individuals and with that of
Individuals in the division of th[illegible] it is "consistent with

4th. The want of means in [illegible] Petitioner," thereby
cultivate the quantity of land t[illegible] Colonial Government in
the estate at the Hantam. [illegible] on such occasions

5th. The want of title in R[illegible] the consideration
pasturage on the Hantam Moun[illegible] upon which information
prejudice that the exercise of that [illegible]
periods of the horse-sickness to [illegible] removes all doubt
neighbourhood. Taking these obj[illegible] this particular case, it
[illegible] for his departure in

as well as in other and similar instances from the line of duty, more especially in his reliance upon the correction of D'Escury when the duty of reporting upon these points officially entrusted to himself, and was the result of his al inspection of the land.

r. D'Escury's principal objections to the grant are con-d in one of the documents of the appendix as well as thers that he drew up in obedience to the Governor's tions.

extent of land that was added to the "Groote Vlakte" does appear to us to have exceeded the measure of rant that has heretofore been made in the Colony, and to have exceeded the extent of land granted to other itants of the same district, and to have borne a still disproportion to the means possessed by Mrs. Louw of tely stocking it. She had, it is true, become possessed luable Stallion, but we agree with Mr. D'Escury in that so large a quantity of land was not necessary support of any probable amount of Stock that she quire by the possession of that horse, and although diency of prescribing to her an agreement by which bind herself to augment the number of her stock in n to the land to be ceded to her was recommended D'Escury, it does not appear that any such condition ed to the Grant.

be said that her Father, who agreed to purchase the Vlakte" estate, provided that the whole of the large Government land was granted with it, had also a moiety of the interest in the Sorcerer Colt, and e the benefit of his services during half the year, nd in need of an additional quantity of land for the his cattle and Stud. But it is to be observed that gement for the transfer which by increasing the persons who were to be beneficially interested in ight have diminished in some degree the responsi-nferring so large a grant upon one Individual, was plated by Lord Charles Somerset, and could not ced his Lordship's determination.

nce to the Opgaaf returns of the Hantam District 1817 we find that there were four Individuals in it

whose lands were inconverted and were possessed in a larger quantity of stock than Mrs. Louw and it remains to be considered whether the investment of a large sum of money in the purchase of a valuable stallion gave her such a claim upon the consideration of the Colonial Government as to justify the concession of the vast extent of land that she received.

It had been the policy of the Dutch Government until a very late period to permit the monopoly of large tracts of land at the Cape especially in the remoter districts and to view it with indifference provided that the occupiers did not retain a permanent interest in them. Their object seems to have been to encourage production but to have discouraged monopolization and it was probably in this manner that the Loan leases of the three estates and the right of pasturage on the Hantam Berg had been acquired by the first occupiers and held by Mr. Van Reenen who notwithstanding the value of his breed of horses was satisfied with the small degree of interest that he possessed in the land upon which he grazed them. By the means of Governor Sir John Cradock already alluded to, the policy of the Colonial Government underwent a great change, and it was then considered of importance to limit the extent of land to stimulate the industry of the occupiers in its cultivation, and to reserve for future applicants those tracts of land which possessed an adequate supply of water.

Mr. D'Escury has described the memorial of **Mrs. Louw** as an attempt to revive the old and (as he terms it) the barbarous custom prevailing under the Dutch Government of allowing Individuals to engross land and to remove all competitors to a distance. But the 2nd article of Sir John Cradock's proclamation dated 6 August 1813 limits the extent of every loan place to 3000 morgen or 6000 acres, and renders all applications for a greater quantity subject to the special consideration of the Government. The Proclamation lays down a general rule of limitations in the first instance, but evidently leaves room for the exercise of a discretion in excepted cases.

When measured by the practice or policy of the earlier times of the Colony the extent of land occupied by Mr. Van Reenen (being the same as that prayed for by Mrs. Louw) was not deemed excessive, but when after the lapse of time the population of the Hantam District had increased, when there were

claimants ready to avail themselves of portions of the large tracts of Government land that Mrs. Louw sought to have attached to the Groote Vlakte estate, we are much disposed to acquiesce in the propriety of the recommendation urged by Mr. D'Escury, to institute an inquiry into the possibility of dividing the land so as to furnish distinct places, or at least desirable additions to the estates of other Inhabitants, rather than to confer it entirely upon one who by the Landdrost's first report was not capable of making a good use of it.

This recommendation of Mr. D'Escury was adopted by His Excellency, and the memorials of Mrs. Louw together with the remarks and objections of Mr. D'Escury were referred to the Landdrost of Tulbagh (Mr. Fischer.)

They remained under his consideration from the month of May 1819 until the 8th December 1819, when he reported to the Colonial Secretary for the information of the Governor that the extent of land prayed for by Mrs. Louw would certainly be too much for one individual if from its supply of water it had been capable of subdivision in favour of others. In proof of this he states that both Mrs. Louw and her Predecessor had found themselves under the necessity of constructing artificial dams on the boundary of the Government land, one of which in consequence of a claim made by D. Okhuyzen had been lately appropriated to him, and after referring the Governor to the Diagram of the land, he adds " that there are in the whole extent of the 20,880 acres of new land only 7 springs and that these were so weak that in dry seasons they scarcely afforded a sufficient supply of water to any considerable quantity of stock."

As the report of a Landdrost and Commissioned Heemraad assisted by a Land Surveyor, upon such points of local information as the condition, quality and peculiarities of land, is considered to be of the highest authority, and as it is upon the reports of these Commissions that lands are generally granted, it is not surprising that the Governor should have considered this report to be decisive upon the question of subdivision that had been raised by Mr. D'Escury, or that without further reference to this objection he should have given immediate orders for the execution of the grants of land in favour of Redelinghuys. A more cautious comparison however of the

official reports of the Landdrost himself, and of the Diagram of the Surveyor, with the language of Mr. Fischer's letter would have made it apparent to the Governor that the authority of that Gentleman could not be implicitly relied on. For it is stated in the column containing the queries respecting the supply of water that " the new land prayed for by Mrs. Louw was watered by 7 springs and 2 dams, 6 of which springs yielded water the whole year."

This report was made and dated 4th May 1818, and yet the Landdrost in the month of December 1819 reports to the Governor that " these springs are so weak that in dry seasons they scarcely afford a sufficient supply of water to any considerable quantity of stock."

The age and infirmities of Mr. Fischer have alone prevented us from requiring his attendance in Cape Town, that we might obtain from him a more satisfactory explanation of this difference in his two reports than his answers to the interrogatories we sent to him afford. For we have since found by the evidence of the Surveyor that the last description that was given by the Landdrost of the supply of water is incorrect, altho' we are not prepared to say that it would have been easy to have apportioned land adequately supplied with water for more than two independent estates, out of the tract that was conceded to Mrs. Louw.

We have no doubt that, if a reference of the Landdrost's answer could have been made to Mr. D'Escury he would not have failed to point out to the Governor the palpable inconsistency of it with his former report, and the vague and ambiguous terms in which the insufficiency of the supply of water is described. But as Mr. D'Escury was absent at that time from the Colony such a reference could not be made, and the grants of these very extensive tracts of land were executed on the 24th December 1819 in favour of Mr. Redelinghuys who had married Mrs. Louw while these discussions were pending, in 1818.

We have yet to notice another ground of objection that is made by Mr. D'Escury to this grant. He states that it was contrary to a long established rule to grant any land in Quitrent to an Individual while he had other loan places unconverted. The object of this rule was to prevent the engrossing of lands,

to encourage their conversion into perpetual quit rent, and to guide the discretion of the Governor in apportioning the favors of the Crown.

In the case of Mrs. Louw there were two estates that she possessed in the neighbouring district of the Roggeveld by right of her deceased Husband. In his lifetime a memorial had been presented for the conversion of these estates into quitrent, upon which no further proceeding was taken, and in the year 1819 a memorial was presented to the Governor by Redelinghuys to obtain a grant of the Government land that was contiguous to them.

Altho' therefore the letter of the rule was violated by the grant of the estates of the Hantam in December 1819, yet as memorials for converting the estates of the Roggeveld into Quitrent had been presented before that period we think that the delay was not attributable to the applicant, and that the spirit of the rule had therefore been observed.

Another circumstance also that became known to Mr. D'Escury (though it did not to the Governor) should have prevented the former from repeating his objections on this ground when the rule no longer applied.

By virtue of a domestic arrangement nearly coeval with the purchase of the horse, these estates had been sold by Redelinghuys either just before or about the period in which the grants of the Hantam Estates were executed.

In treating the 4th objection to the grants, arising from the disproportion between the extent of land prayed for by Mrs. Louw and the quantity of her stock, Mr. D'Escury has argued very conclusively from the domestic arrangement first alluded to. He alleges that one effect of it was distinctly to shew that the Government land was not required for the support of her stock, inasmuch as it had previously been agreed to be sold, and in fact was sold as soon as the grants were executed, and that Redelinghuys's stock was kept upon the land that he retained. It is to be excepted however from this conclusion that Redelinghuys had acquired an addition to his estate "Gemerkte Carreehoute Boom" of 1833 acres and he reserved also a small part of the Government land at the "Groote Vlakte" as a winter pasture.

We proceed to the examination of the objections made

by Mr. D'Escury to the recognition of the exclusive right of pasturage on the Hantam Mountain claimed by Redelinghuys.

Mr. D'Escury has contended and we think satisfactorily that this right altho' conceded by the Dutch Governor Van Rhenius in the year 1791 to Mr. Van Reenen, and transferred by him with his property at the Hantam to Mr. and Mrs. Louw in the year 1814, conveyed no larger interest and no better title than belonged to the tenure of any ordinary loan place.

The copy above referred to of an extract from the books of the Land Revenue Office establishes that the privilege was only conceded from year to year like other loan leases, and that certain occupiers of adjoining lands not exceeding five in number were to be allowed a participation in the great benefits of sending a few of their horses to this mountain during the periods of the horse distemper. These periods are described in the lease to return annually, but later experience has satisfactorily established that altho' the recurrence of them is always uncertain, they do not return more than once in seven years. The exclusive enjoyment of a benefit so great was not likely to be possessed without jealousy on the part of other proprietors, and we accordingly find that at all periods the neighbouring inhabitants of the Hantamberg had either opposed Van Reenen's claim to the exclusive right of pasturage, or had been satisfied with his tacit acquiescence in their participation in it.

Some time after the grant had been made to Van Reenen, it was left open to the Inhabitants of the District to bring forward their pretensions to a participation in the pasturage of the Mountain, and altho' we have not been able to discover that any such claim had been presented, yet there has been no proof exhibited by Redelinghuys of any grant in perpetuity of the exclusive right that he claimed, and nothing that could bar the right of the Colonial Government to exercise the discretion that was reserved in the 2nd and 13th articles of Sir John Cradock's proclamation, of refusing altogether or of limiting and modifying the possession of this mountain, according as the interests of the Government or the circumstances of the Colony might require.

The discussion of this question was brought before the Governor in the months of January and March 1819, and it was revived at the end of the same year in the reports of Mr. D'Escury and of the Landdrost of Tulbagh on the memorial of Redelinghuys dated 5th October 1819.

Mr. D'Escury had gone very fully into the question of the claim of Redelinghuys to the Mountain, and after proving that it was without foundation concluded with proposing that the pasturage should be left open to the Inhabitants of the District in commonage, regulated by the quantity of stock that each person possessed, and that care should be taken by the Landdrost and a power conferred upon him to regulate the periods in which the pasturage should be reserved with a view to secure it as a resource for the stock of the Inhabitants whenever the season of distemper approached.

It is stated by the Landdrost of Tulbagh that the exclusive right claimed by Redelinghuys "would certainly bear hard upon the occupiers of adjoining places and lands, and particularly so at the time when the horse distemper prevails, as the Hantam Hill is the only retreat from this destructive calamity." The Landdrost proposes therefore to reserve the right for all the neighbouring Inhabitants to "send all their horses to the hill upon such occasions, and to keep them there as long as the disorder is lasting," or to "let the use of the Mountain to the highest Bidder for 5 or more years, or to grant the same to the applicant (Redelinghuys) at such annual rent as His Excellency might deem proper."

We confess that we feel some difficulty in reconciling some of the different proposals contained in this paper with each other or with the observations contained in the first letter of the Landdrost addressed to the Colonial Secretary in the year 1818. In both he adduced very strong public reasons for not conceding the exclusive right to Redelinghuys, and yet in the last letter that was received from him he concluded with a proposition that the pasturage of the whole mountain should be let at a certain annual rent to him or to some other Individual.

From the tenor of the Governor's decision upon the report of 4 May 1818, and still more from his observation in December 1819, it is to be inferred that His Excellency's intention had

been to authorize the grant of the Mountain in quitrent to the Widow Louw.

We think it our duty however to offer to your Lordship's notice the remark of the Colonial Secretary that accompanied the latter report on the 20th December 1819. and which led to the expression of his Lordship's views. "I beg to call your Lordship's particular attention to the Landdrost's last remark relative to the reservation of the Hantam Hills for the public to resort to in cases of the horse sickness. It seems to be a measure of the greatest importance for the proprietors of horses to have a secure place to flee to when the distemper rages, and these hills are said to afford such security."

The Governor's observation simply refers to a grant that he considered he had formerly authorized containing an exception in favour of a few Individuals who were named in one of the old leases before referred to as having a right to send a certain number of horses to the Mountain in case of sickness, and having apparently in his own mind decided the question of the exclusive right in favour of Redelinghuys, Mr. Deputy Secretary Ellis received instructions forthwith to inform the Landdrost that the Governor had approved of the report that he and the Commissioned Heemraad had made upon the lands prayed for by Redelinghuys, and with respect to the right of grazing on the Hantam Mountain, "that His Excellency had thought fit to direct that a survey should be made of the same in order to form the valuation of the perpetual quitrent thereupon, and further that an inquiry should be instituted as to what persons might actually and under what conditions possess a right of grazing besides the claimant (Redelinghuys) with whose application as contained in his memorial His Excellency was disposed to comply, provided that the rights of other individuals were not thereby affected."

It is hardly necessary to advert to a preceding memorial that had been addressed by Redelinghuys to the Governor in October 1819, in which by way of supporting his pretensions to the right in question he stated at some length the large sums of money that had been laid out by his wife in the improvement of their Stock, and the necessity of their possessing large tracts of land for their support. If an inquiry had been made into the allegations of this memorial at the time, it would have been

proved to the Governor's entire satisfaction that they were unfounded. For not only had the Stock that formed part of Mrs. Redelinghuys's property diminished in number by want of care, but a positive decrease had taken place by the sale of some of the mares some time before the memorial was presented. The family arrangement had begun to take effect, by which the Father of Mrs. Redelinghuys had become the purchaser of the "Groote Vlakte" estate comprising the large tract of Government land annexed to it, and her estates in the Roggeveld were likewise disposed of for the purpose of meeting the other objects of the arrangement, which consisted of the payment of what was yet due to the Directors of the Orphan Chamber on account of her minor children.

When all these estates were sold Mr. Redelinghuys found himself only in possession of the "Gemerkte Carreehoute Boom" estate and the disputed claim to the pasturage of the Hantam Mountain.

It is a matter of surprise that considering the value that this tract had now acquired no steps were taken to expedite the measurement and survey of it, and that during the whole period of Lord Charles Somerset's absence from the Colony from 13 January 1820 to 30 November 1821 no such operation should have taken place. As the inquiry also involved the consideration of the interests of others besides Redelinghuys, and as one of the Inhabitants (Okhuyzen) had presented a very intemperate memorial, complaining of exclusion from the Hantam-Berg, which had been referred to the Landdrost very soon after the decision of the Governor, it might have been expected that the survey would have been carried into immediate effect.

It was not however until the month of January 1823 that Lord Charles Somerset's attention was again called to the subject by a memorial from Redelinghuys, in which he again prayed, "that the survey of the mountain might proceed," and nearly about the same time a memorial was presented by several of the Inhabitants of the Hantam, in which after referring to the unanswered state of a former memorial signed by them in September 1819, they complain of the injury to which they are subject by the interdiction of the pasturage of the Hantam Berg during the seasons of the horse distemper.

In his decision recorded in the Schedule of papers submitted to him weekly by the Colonial Secretary and in which this memorial was introduced, the Governor declares that the question is a general one and that he needs further information.

The memorial was therefore transmitted to the Deputy Landdrost (Captain Symon), one of the Emigrant Settlers from Ireland who had in the interval been appointed to that situation.

This Gentleman appears to have taken into consideration the contents of all three memorials at the same period as that of Redelinghuys, and altho' he was not able to transmit a full report at that time on account of the difficulty of effecting the survey of the mountain, he submits a general outline of its character and extent, and recommends that instead of granting it in commonage it should be granted to one or more tenants. The Deputy Landdrost has likewise stated that an acknowledgement was made at this period by Redelinghuys to him in which he is affirmed to have made a formal and written renunciation of his pretensions to the exclusive pasturage of the Hantam, but we are convinced that the circumstances under which the renunciation was obtained were not sufficiently understood by Redelinghuys to bind him to an observance of it.

The documents were delayed some time in the hands of the Landdrost of Tulbagh, but having been laid before the Governor previous to 19th December 1823, His Excellency at length decided "that the whole summit of the Hantam Berg should be for ever thenceforward appropriated as commonage to the estates in that subdivision, to which Commonage the Inhabitants (Proprietors) should have the right to send their horses in such proportion as should be thereafter explained whenever the malady termed the horse distemper should be known to have broken out in that quarter."

A few detailed regulations were added to determine the proportion of stock, the supply of water, and the periodical burning of the grass, and to exclude Stallions from all access to the mountain.

It might have been considered that this question had been sufficiently heard and discussed, and that it was thus definitely determined. But it appears that Mr. Redelinghuys upon receiving an order from the Field Cornet to remove his cattle

and horses from the Mountain repaired immediately to Cape Town, and in an interview that he obtained presented to the Governor a memorial setting forth the injury that the execution of His Excellency's decision respecting the Hantam Mountain would inflict upon him in consequence of the passage that the horses having access to it must necessarily have through his arable and cultivated land, the greatest part of which was situated on the sides of a ravine, over which there was but one narrow path that led to the summit of the Mountain.

An order was immediately issued to the Deputy Landdrost to report upon the contents of this memorial. That Officer not long previously had received a letter from Mr. D'Escury, who taking into consideration Captain Synnot's recent appointment to the Office had gratuitously undertaken to inform him upon the question of the Hantam Mountain. He briefly stated to him that Mrs. Redelinghuys had no claim whatever to the exclusive privilege of grazing upon the Mountain, but he regarded that question so entirely at rest that Captain Synnot believing Mr. D'Escury to have spoken the sentiments of the Colonial Government had endeavoured to impress Redelinghuys with the same belief, and that it would be impolitic in him to make further resistance. It was under this impression that Captain Synnot stated that Redelinghuys had renounced his pretensions to the exclusive possession of the Hantam, and gave that information to Mr. D'Escury.

His opinion upon the memorial of Redelinghuys, especially upon his claim to the Hantam, implicitly followed that of Mr. D'Escury, who had urged on more than one occasion that a right attached to an estate and held with it could endure only as long as the estate itself, and that if that estate was held under an annual loan lease and at a fixed rent, renewable every year, the adjunct or right attached must terminate at the same time. It was one of the peculiarities of the loan tenure that lands held under it were not divisible amongst Heirs, and it is only by virtue of the Proclamation of 1813 already alluded to that such lands are rendered so by being converted into Quitrent. In this view of the subject and considering the exclusive privilege of grazing on the Hantam Mountain as included in the loan lease of the "Gemerkte Carreehoute Boom" estate, it could not have been detached

[illegible]

With respect to the value of its fruit, we are compelled to remark that a sad mistake appeared in the hands of Mr. Redelinghuys. By his evidence and that of Willem Louw it appears that no profit has been derived from the services of the Stallion, that his stock have not done credit to him, and that while Mr. Redelinghuys was giving his latest evidence before us, a negotiation was going on, and has since been concluded, by which the Sorcerer Colt has been sold to a Farmer near Cape Town named Cozzee for the sum of six thousand rix-dollars.

The Deputy Landdrost has further stated that the arable land of the "Gemerkte Carreehoute Boom" estate would be injured by the passage of horses to the Summit, the best paths

being those that lead over the mountain from that estate to the " Groote Vlakte " sold to Willem Louw the Father in law of Redelinghuys.

Mr. Bergh the late Deputy Landdrost stated, and the Surveyor has explained that no such injury need be sustained. There accompanied the memorial of Redelinghuys the affidavits of three Individuals stating that they lived 9 years in the District and had never had occasion to resort to the Hantam Mountain on account of the Horse distemper or to make use of the pasturage in ordinary years.

As the Colonial Government had resolved to resume the right to the Hantam Mountain it was entirely competent to them under the proclamation of 1813 to exercise the right of access that had always been especially reserved to lands ungranted, and provision should have been made for guarding the lands of Redelinghuys from damage. A Toll might have been demanded for every horse that passed to constitute a fund for defraying the expences of repair.

With such precautions all the injury he apprehended might have been prevented, and it should not have been forgotten that altho' the path that leads through his estate may be the best and shortest to the pasture ground, yet that which traverses the estate of Willem Louw on the opposite side of the mountain is very nearly as good. These however are not the only paths that lead to the summit. Through the ravines or Kloofs that pierce its sides in other directions other paths exist, and as they had formerly been used by the Inhabitants they would undoubtedly be improved by them as soon as they found that they had an interest in the pasture to which these roads conducted.

The Deputy Landdrost considers that the privilege of sending their horses to the Hantam Mountain in time of sickness comprehends every object that the Inhabitants could desire. It is observable that they complain principally of the exclusion of their horses from the salubrious atmosphere of this mountain at periods when the distemper is raging in the surrounding country, altho' the pasturage and springs upon it are unquestionable resources in the Summer season, when they are exhausted in the plains.

It does not appear that the summit of the Mountain is

capable of supporting a greater number of horses than 400, and the preservation of the grass before the season of distemper would render it necessary that the Mountain should not be stocked till the month of February in each year, and that they should not return to it till October.

The affidavits of the three neighbours adduced by Redelinghuys in support of his memorial prove only that they have not had occasion to resort to the Hantam Mountain for 9 years, and that they have not been in a situation to require the pasturage of it in the Intervals. This testimony is of too limited a nature to bind the Inhabitants of a whole district, more especially in a country where the change of pasturage for horses and cattle is of great importance.

At present and as long as it is competent to the Inhabitants to make use of ungranted or unoccupied tracts of land near the Frontier to graze their Cattle upon, they will be less solicitous to obtain admission in ordinary seasons to the pasturage of this mountain, but the period is fast approaching when with the increase of population the importance of so large a tract will be proportionally augmented, and it must not be forgotten that the first and strongest impressions of the Landdrost Mr. Fischer even after a very cursory inspection of it were, "that it was of itself too large for one Individual."

We are therefore disposed to believe that the result of a competent inspection and survey (and which have not yet been made) would determine the expediency of allowing a general participation, if not from its limited resources to *all* the Inhabitants of the District in ordinary seasons, at least to those who possess estates contiguous to the Mountain through which in seasons of distemper the horses of others might be privileged to pass.

After stating the circumstances that we have now offered to your Lordship's notice, whether deduced from a perusal of Mr. D'Escury's observations or from the evidence that we have collected, we have now to consider whether they constitute such a deviation from the ordinary practice observed in the making of grants of land in this Colony or from the common rules by which the Governor is generally guided, as to raise a presumption of his having yielded to the influence of other feelings than those of duty in the present instance.

With regard to the extent of the Government land annexed to the Groote Vlakte estate and amounting to 10,440 morgen or above 20,880 acres, we can only repeat that the addition of such an extent of land was without precedent, and that in our opinion neither the condition and means of the Grantee nor the professed object of pursuing and promoting improvement in the breed of horses nor the nature of the soil required so large an appropriation.

Your Lordship will also not fail to observe that Redelinghuys never pressed upon the Governor the necessity of his having such an extent of land for the maintenance of his horse stock until he had disposed of the whole of the Groote Vlakte estate and Government land to his Father in law Willem Louw. He then began to feel the necessity of the summer pasturage of the Hantam Mountain.

Altho' we do not agree with Mr. D'Escury that the Government land was capable of such minute subdivision as to have provided for the location of five families, or that it could have been divided into more than two good estates, yet we think that after allowing for the imperfections of vagueness, partiality and incorrectness to which the several reports of the Landdrosts are liable, and considering the positive manner in which the Landdrost Mr. Fischer speaks of the want of water, the conclusion of the Governor tho' certainly precipitate was not unnaturally guided by such information.

It has appeared that the quantity of land possessed by the Grantee of stock has always been considered as forming the basis of the rule of apportionment. Without entering at present into the correctness of that standard by which Mr. D'Escury has been in the habit of calculating the amount of quitrent on lands according to the utmost quantity of Stock that they are stated to be capable of maintaining, we cannot help declaring that the proportion of stock returned by Mrs. Louw and Mr. Redelinghuys in the Opgaafs of the years 1817, 1818, and 1819 were manifestly below every rule of calculation, and we have not been able to discover the reason why they should not at least have been called upon to execute an obligation to keep up or to augment the number of their stock before the Grants were made out to them in December 1819.

The principal question involved in the claim asserted by

Redelinghuys to the exclusive possession of the Hantam Mountain was one that was pressed upon the consideration of the Governor at all periods of this long discussion, and it would have been more consistent with a regard for the public interests, if after knowing that the Inhabitants of the District of the Hantam would be exposed to ruin by an exclusion from the Mountain in the seasons of sickness, his Lordship had refrained from expressing any wish that the enjoyment of that privilege should be confined to Mr. Redelinghuys alone, even with the proviso that such concession did not interfere with the positive rights of Individuals. In making a permanent concession of so large a tract in favor of one Person, we conceive that it was not sufficient to provide merely for the rights of those who might be able to establish them by proof. In granting as we conceive the Governor was about to do, a permanent and exclusive privilege to an Individual who could not prove that he had succeeded to more than a temporary one, and which, instead of being exclusive as he contended, was proved to be partial, we submit that the mere question of right was not the only one that ought to have been provided for in the inquiry that was ordered. The Governor had already been informed by the authorities to whom he had referred, (briefly by Mr. Fischer the Landdrost, but more at length by Mr. D'Escury, and very explicitly by the Colonial Secretary), that the Inhabitants of the District would sustain much injury by the grant of the exclusive privilege to Mr. Redelinghuys. No new information that the Governor had obtained could alter that fact, and we at this moment are acquainted with none that reached him between the month of December 1819 and the month of January 1824 (except the memorial of the Inhabitants so wrongfully rejected by Mr. Bergh the Deputy Landdrost,) that could have effected a change in the aspect of this important part of the question.

It is somewhat remarkable indeed that by His Excellency's resolution conveyed in the letter of Lieutenant Colonel Bird dated 19th December 1823 he adopted in all its extent the suggestion of Mr. D'Escury made in obedience to the Governor's direction in the year 1819 respecting the best mode of appropriating the Hantam Mountain. We cannot therefore refrain from declaring our opinion that the wish expressed by Lord

Charles Somerset and conveyed in Mr. Ellis's letter of 24th December 1819 was a strong manifestation of his anxiety to confer a benefit upon one Individual of a District without a due consideration of the urgent claims of the other inhabitants.

The question will naturally here arise what were the claims or merits of the Individual which should call forth so strong an expression of the Governor's disposition, and which was so much opposed to the general interest.

Mr. D'Escury has noticed, and the event has shewn, that Redelinghuys had not evinced any aptitude for the care and superintendence of Stock, and that his previous habits were not those which fitted him for these pursuits. The acknowledged object of his wife in the purchase of a Stallion of value was that of attempting to improve the Breed of horses, a laudable attempt certainly, and one that deserved a certain degree of public encouragement.

After giving much consideration to this subject and allowing that great benefit may be and has been derived by the Colony from the improvement of the breed of its horses by the importation of Stallions of value from England, we are of opinion that the extent of land that was bestowed and intended to be bestowed upon Mr. Redelinghuys was greater than that object required, whereas on estimating the extent by the result that has taken place, it may be pronounced that the land could not have been less advantageously bestowed.

On the other hand it must certainly be admitted that the claims of Mr. Redelinghuys were not without some equitable foundation. His Wife's former Husband had given a considerable sum of money for the right of occupation of these loan places and for the stock that was upon them, and with a view, that his death only interrupted, of improving the Breed of horses. The Dutch Government had permitted Mr. J. van Reenen to occupy the whole extent of land that was measured for Redelinghuys on payment of a rent that was subsequently increased by the conversion into perpetual quitrent.

The improvement of the breed of horses in the Colony had long occupied a large portion of Lord Charles Somerset's attention, and it is understood that some of the persons who have engaged in it most largely have derived a considerable

profit to themselves, and contributed at the same time to the production of a valuable export.

It has not been the good fortune of Mr. Redelinghuys or Mr. Willem Louw to derive any profit from their speculations. We think however that the investment of so much capital as they had laid out in it by the purchase of the Sorcerer Colt was not undeserving of encouragement, altho' a less quantity of land than that which they received would have been sufficient to evince the Governor's favorable disposition and to have forwarded their views.

In both His Excellency has met with disappointment, but we cannot say that the speculation was not originally without promise of public benefit or devoid of claims upon his attention.

In forming his decision upon the nature and extent of the lands granted to Redelinghuys we cannot but observe that the means of information possessed by the Governor were very defective. They are however the same that are pointed out by the proclamation of 1813 and include all the checks that the law has provided, subject to the general control of the Government, for the protection of the public interests in the granting of lands.

The great industry of the Inspector of Government Lands and Woods in the investigation of the details of his subject had been long known to His Excellency, who had found occasion to bestow much praise upon his exertions in detecting the inaccuracies of the reports upon which the memorials for land were to be decided. His practical knowledge however of the subjects upon which it became his duty to treat and his acquaintance with the external character and local peculiarities of the Country have been found on several occasions to be deficient, and to occasion him to be misled in the application of his general views, nor has he had time to supply this deficiency by personal observation.

On a reference to the several papers with which he has furnished us, your Lordship will find that his opinions partake much more of the warmth of a partizan than of the candour of a person charged to act impartially between an Individual and the Colonial Government, tho' it may be admitted that his industry has been generally exerted in support of what he has considered to be the public interest.

With such means of information however before the Governor, altho' it may be a subject of regret that he should have proceeded so hastily in some respects and so tardily in others, yet we have not found any body of evidence so conclusive as to have exposed Lord Charles Somerset's decisions to the imputation of undue favor, or his motives to that foul reproach which the passage extracted from Mr. D'Escury's statement appears to us to imply.

Taking all these circumstances into consideration, we humbly report it as our opinion to your Lordship that we have not found reasonable or sufficient ground for concluding that the several grants of land were made by Lord Charles Somerset to Mr. Redelinghuys in consideration of the sale of a horse to his wife at a high price. But we think that a want of discretion has been manifested by his Lordship in confiding to his agent Mr. Poggenpoel the management of a transaction in which the integrity of his Lordship's public character could be brought into question.

We further humbly report it as our opinion to your Lordship that several circumstances have been developed in the course of these inquiries, which without reference alone to the particular transaction that has been the subject of them, do manifest the necessity of providing more strict regulations for the granting of lands in this Colony. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[The evidence from which this report was framed would occupy a great deal of space, and it does not seem to me of sufficient importance to copy it.—G. M. T.]

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 13*th October* 1824.

MY LORD,—Although I have no doubt that His Majesty's Commissioners of Enquiry will detail to Your Lordship the result of their Investigations relative to the Individual calling

himself William Edwards, I feel it my duty to add to the information I have already given Your Lordship respecting that man, that in consequence of the arrival of the Convict Ship *Minerva* in Simon's Bay (bound to New South Wales) orders were given for his removal on the 17th Ultimo from Cape Town to Simon's Town, to be embarked for New South Wales, in pursuance of his Sentence of transportation, on his road thither, (owing to the shameful negligence of the Police) he escaped, but was retaken on the night of the 19th, or rather on the morning of the 20th concealed under the mattress of a Bed, when he immediately cut his Throat with a razor, but as his right hand had been secured, he was not able with his left to inflict a mortal wound: he was embarked in the *Minerva* on the 23rd and sailed on the 30th. Since his departure circumstances have led to a discovery of who he really is; and it appears that his name is Alexander Low Kay; that he married the daughter of an Attorney at Chester of the name of Edwards, that he was employed there in a Prothonotary's office, and after various misdeeds went to London, where he got connected with Sharpers and Swindlers, and after numerous Scrapes, the Stealing of a Gig and Horse was brought home to him at Gloucester Assizes, and he was transported to New South Wales. From thence it is conjectured that he escaped, and it was the fear of the Discipline which would await a runaway Convict that excited the dread that he has so strongly evinced to being sent back there.

On the return of the Vessel I shall doubtless receive from Sir Thomas Brisbane all the particulars which are known of him at New South Wales. In the meantime I feel it right to put Your Lordship in possession of the Character of the man who has so atrociously calumniated me here.

I also take the liberty of enclosing to Your Lordship a letter from Major Blake, the Adjutant General of the Forces, conveying to me a Message from Edwards.

Major Blake visited him in the course of his official Duty to ascertain that the Military Guard performed its Duty.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

WYNBERG, 22*nd September* 1824.

MY LORD,—I have the honor to inform Your Excellency that on visiting the Military Guard at Captain Carnall's this morning, over the Convict William Edwards, I was requested by Mr. Edwards to be the Bearer of a Message to Your Lordship, to say "That He allowed he had made a most unjust and unwarrantable attack upon Your Lordship in the Court of Justice, and that he deeply regretted having given way to the violence of a hasty temper to such an extent. Mr. Edwards considered it the duty of every Loyal Subject to support the Governor of a Colony, that he was extremely vexed at having deviated from that line of conduct, and particularly so in the present instance towards Your Lordship as an Individual, from whom he never had received the Slightest Provocation.

I have &c.

(Signed) M. G. BLAKE, Dept. Ad. G.

[Original.]

Memorial of the Committee of the Commercial Exchange to EARL BATHURST.

To the Right Honorable Earl Bathurst, Secretary of State for the Colonial Department, &c., &c., &c.

The Memorial of the Chairman and Members of the Committee of the Commercial Exchange of the Cape of Good Hope respectfully sheweth,

That the Commercial and Agricultural Interests of this Colony have long been depressed by local regulations, restrictions and imposts, injurious to its general prosperity and at variance with the liberal and enlightened principles adopted by His Majesty's Government.

That whilst these regulations are operating as powerful impediments to the growth and export of the productions of the soil, the principles of Free Trade in our Foreign intercourse are maintained without regard to law or reciprocity.

The order in Council of the 12th July 1820 prohibits the introduction of all articles of Foreign Manufactures composed of Cotton, Iron, Steel, or Wool, yet French Cottons have been repeatedly and publicly sold in Cape Town and French Muslins advertised for sale in the *Government Gazette*, imported by a French ship, without any attempt on the part of the Colonial Authorities, to enforce the prohibitions of the Order in Council.

By this order it is also provided that countervailing duties shall be levied, on the principles of reciprocity when higher duties are paid by British than Foreign Vessels at the Port of shipment, yet no such duties are levied here altho' in the ports of France a higher rate of Tonnage duty is paid by British than by French Vessels.

The advantages of Free Trade are understood, and acknowledged by Memorialists, but to obtain these advantages the freedom of Commercial intercourse must be reciprocal.

France permits none but French Vessels to trade to her Colonies, yet French Vessels are permitted to import her Manufactures and produce at the Cape of Good Hope, on the same terms as British Ships.

Memorialists have made ineffectual representations on these subjects to the Officers of Customs and unsuccessfully sought relief from the Colonial Government, altho' they offered to prove in the case of *La Seine*, that a considerable part of the Goods landed for sale from that ship were composed of Cotton and which fact will be apparent to your Lordship upon inspection of the samples transmitted herewith accompanied by the necessary proofs of identity.

The Documents annexed to this Memorial will exhibit to your Lordship the proceedings in the case of *La Seine*, whilst they shew the temper and spirit with which the Merchants are received when the interference of their Committee is called for in public Questions involving Commercial Interests. Under these circumstances Memorialists have deemed it necessary to lay their case before His Majesty's Government and respectfully pray—

That your Lordship will be pleased to give these subjects the consideration due to their importance, in order that such protection may be afforded to British Capital and Interests embarked in the Cape Trade as may be consistent with the

intentions of His Majesty's Government and the just expectations of the Merchants of the Cape of Good Hope and that the Colonial regulations with regard to Trade and Agriculture, and the restrictions and imposts with which they are burthened, may be modified, corrected and such of them abolished, as are injurious to the welfare of the Colony, and unnecessary for the prudent Maintenance of the Colonial Government.

And Memorialists as in duty bound will ever pray &c.

(Signed) R. W. EATON, Chairman
FRANCIS COLLISON
W. HAWKINS
STEPHEN TWYCROSS
J. P. SIMPSON.

COMMERCIAL EXCHANGE, CAPE TOWN, 13*th October* 1824.

[Original.]

Letter from MR. THOMAS WILLSON *to* EARL BATHURST.

STOCKWELL, 13 *October* 1824.

MY LORD,—I have recently received Letters from the Cape of Good Hope, detailing further calamities to that (I am afraid) ill fated Settlement, and I am grieved also to find that notwithstanding your Lordship's Instructions to His Excellency in my behalf, the Colonial Government are wholly silent as to my claims! Therefore I trust it will not be asking too much to request a Copy of your Lordship's Instructions, that I may at once form a due Estimate of the propriety of any additional expenditure of my time or capital in pursuing Interests so remote from home, which may at last prove wholly visionary, and at further injury to myself and family! I have &c.

(Signed) THOS. WILLSON.

[Original.]

Letter from the Treasurer of the London Missionary Society to EARL BATHURST.

MISSION HOUSE, AUSTIN FRIARS, 14 *October* 1824.

MY LORD,—I have the honor to transmit to Your Lordship the Memorial of the Revd. John Philip D.D. of the Cape of Good Hope, Superintendent of the Missions of the London Missionary Society in South Africa, just come to my hands, together with the several documents referred to therein; and a Letter to Dr. Philip from Messrs. Bigge and Colebrooke, the Commissioners appointed by His Majesty to visit the Colony.

I have &c.

(Signed) W. ALERS HANKEY,
Treasurer of the London Missionary Society.

[Enclosure 1 in the above.]

Memorial of the REVEREND DR. PHILIP *to* EARL BATHURST.

To the Right Honourable Earl Bathurst His Majesty's principal Secretary of State for the Colonies, &c., &c., &c.

The Memorial of John Philip D.D. Superintendent of the Missions of the London Missionary Society in South Africa Humbly Sheweth

That the Missionary Institution of Bethelsdorp was originally established under Doctor Vanderkemp at the recommendation of General Dundas for the purpose of making an experiment on some Tribes of wandering Hottentots from whose resentment and connection with the Caffers the Colony was suffering.

That without the knowledge of General Dundas the most barren spot in the whole district was selected for the place of their location, that the reason afterwards assigned for this circumstance by the persons employed in the business was, that the people being kept from acquiring the means of subsistence by the cultivation of the ground might be retained in a state of constant dependance on the Farmers and that this station was in the first instance accepted by Dr. Vanderkemp for an Institution (pro tempore) till another place should be assigned him, for which he had the promise of Government.

That Dr. Vanderkemp continued on this barren spot, struggling against its natural disadvantages in the hope that the promise made to him by the Colonial Government would be ultimately realized, that after several attempts, without success, to obtain a suitable situation, or to have the original grant enlarged, he was removed by death; leaving an increased population to find the means of subsistence on this unproductive spot.

That during the life of Dr. Vanderkemp notwithstanding the disadvantages of the place assigned him for an Institution and the constant and powerful opposition he had to encounter from those that wished to prey upon the people and enslave them, that those very people who had formerly been the terror of that District of the Colony, became steadily attached to the British Government and its zealous and efficient defenders against the incursions of the Caffres.

That notwithstanding the loss which the Hottentots of the Institution sustained by the death of Dr. Vanderkemp, to whom they had looked as to a Father and a Protector, they remained inviolably attached to the British Government and continued to render the most important services to the District and to the Colony at large.

That notwithstanding all that has been said against Bethelsdorp, it has been proved by indubitable facts that in the year 1822 the inhabitants of this Station expended upwards of Twenty Thousand Rix Dollars on British Manufactures and paid six thousand Rix Dollars being the amount of the first instalment for the corn farm of Hankey on the Gamtoos River, that in the same year they created to the Colonial Government by the terms at which they contracted to transport Government Stores from Algoa Bay to Grahams Town, a saving of Twenty two thousand Rix Dollars. That in the same year they erected a School house valued at five thousand Rix Dollars, that they have since that period by their own unaided exertions erected a building large enough to accommodate twenty destitute and helpless objects of charity, that this is the first building of the kind ever erected in this Colony; that a Blacksmith's Shop the best in the Colony has been erected at the Institution and is answering very well, that among other public works of considerable utility the people have lately undertaken the con-

[Enclosure 2 in the above.]

UITENHAGE, 1 *January* 1824.

DEAR SIR,—As we are very desirous of knowing whether any augmentation of land can be made with advantage to the Portion now occupied by the Inhabitants of Bethelsdorp, more especially as we anticipate a considerable augmentation of their numbers when the present restrictions on their admission are removed, we shall be very glad to receive from you any information respecting contiguous and vacant allotments, that you or the Hottentots may think desirable. I am induced to make this suggestion more from a wish to complete the accommodation of the present members and to improve their condition by the accession of good or convenient pieces of land, than to advise the accumulation of great numbers of Hottentots on the same spot, agreeing as I do with Dr. Philip that generally it will be found more advantageous to multiply the number of Institutions in the Country than to multiply the number of Hottentots in each place.

(Signed) J. T. BIGGE.

To Mr. Kitchingman.

[Enclosure 3 in the above.]

To His Excellency Lord Charles Henry Somerset, Governor and Commander in Chief, &c., &c., &c.

Memorial of James Kitchingman on the behalf of the Hottentots belonging to the Institution of Bethelsdorp Humbly Sheweth

That the ground allotted to Bethelsdorp not having a sufficiency of water for irrigation can only be cultivated in wet seasons, which has proved a great discouragement to the Inhabitants thereof as generally their crops have perished by drought.

That from the scarcity of grazing at Bethelsdorp they are also compelled to keep a great part of their Cattle on the places of the Farmers, which occasions many losses and great inconvenience.

That there is in the district of Uitenhage an unoccupied

prove an irreparable loss to the people of this Institution, and must have a tendency to damp their spirits, cripple their exertions, prevent their improvement and thereby retard the improvement of the Colony at large.

That on hearing of this determination of his Excellency, your Memorialist requested His Excellency's friends to remonstrate with His Excellency on the subject, that after finding nothing could be done by this means, your Memorialist addressed a letter to His Excellency a copy of which will be found in the Appendix to this Memorial, stating the claims of the Hottentots to the lands prayed for in the Memorial, at the same time requesting His Excellency provided he was determined to dismember the lands formerly enjoyed by the Institution in this manner, to give them away conditionally only, till your Lordship's decision on the case should be obtained, to which letter your Memorialist has received no answer.

That your Memorialist after having waited fifteen days without having received any answer from His Excellency the Governor to the letter in question addressed to him, and having reason to apprehend any longer delay might be attended with the alienation of the lands prayed for in the Memorial, took the liberty of writing to the Directing Missionary of the Institution, instructing him to inform Colonel Cuyler the Landdrost of the District and the Farmers requesting those lands, should any steps be taken by the Landdrost to carry his instructions in this point into execution, that the whole affair had been referred to your Lordship and that your Memorialist expected that the lands would be left in an unappropriated state till your Lordship's decision on the case should be received.

That it is the earnest request of your Memorialist and of the Missionaries and people at Bethelsdorp that your Lordship will take into consideration the urgent claims of the Missionary Institution at Bethelsdorp and by granting the prayer of your Memorialist prevent the evils which must fall on its rejection and thus afford to the Hottentot population and to the Missionaries a substantial proof of the good will of His Majesty's Government to the Hottentot Nation and to the Missionary Institution, and your Lordship's Memorialist as in duty bound shall ever pray.

(Signed) JOHN PHILIP.

[Enclosure 5 in the above.]

BETHELSDORP, 29*th April* 1824.

SIR,—I have the honor to acknowledge the receipt of your letter of the 26th Inst. requesting me to describe the precise situation of the places Gorah and Todowe, as also the vacant lands contiguous to the ground measured for this Institution and in reply to which I beg to state that by Gorah we mean a place once occupied by one Kuhn in the Fieldcornetcy of R. Bichner to the left of Adas height.

I do not know the extent of the grants which have been lately made to Mr. Pullen and others but should wish to get all the free Government grounds which being without water will serve for temporary grazing in wet seasons, for the large stock of Cattle at present belonging to the Institution.

By Todowe we mean the unoccupied ground between the places of Riemuwed C. Kok and Swanepoels and extending to the Bosjesmans River in the Field cornetcy of R. Bichner. As to the ground contiguous to Bethelsdorp we do not know the exact extent but we found by the Diagram of the ground surveyed for Bethelsdorp that there is a piece of Government ground between us and M. P. Maree extending towards Jacob Kok's place and the ground belonging to Doorn Kraal, which piece of ground being without water would be of little use to anyone else, but its loss would prove a great inconvenience to the Institution. There is also a piece of ground Kuygas Vlak stretching towards the places of P. Showd Stolsheusen and Berry which as you know is the chief resource for Cattle. We think also that there is a small piece of ground towards the mouth of the Swart Kops River which we also wish to have annexed to Bethelsdorp being particularly suited for grazing sheep and Goats.

(Signed) J. KITCHINGMAN.

To Colonel Cuyler, Landdrost of Uitenhage.

[Enclosure 6 in the above.]

COLONIAL OFFICE, 21*st May* 1824.

SIR,—I am directed by His Excellency the Governor to acknowledge the Receipt of your Memorial dated 30th of

March last, praying on behalf of the Hottentots of Bethelsdorp for the grant of the places Gorah and Todowe and of the unoccupied land situated between the Institution and the adjacent Farms, and to acquaint you in reply that willing as His Excellency is to meet the wishes expressed by you he regrets that he has it not in his power to grant to the Institution the places you have applied for, the Gorah being reserved for Government purposes, and the other lands having been previously applied for by persons having local claims.

(Signed) P. G. BRINK.

To Mr. J. Kitchingman.

[Enclosure 7 in the above.]

UITENHAGE, *3rd June* 1824.

SIR,—His Excellency the Governor has been pleased to direct that the surplus lands between the lands allotted for the use of the Institution of Bethelsdorp and the surrounding Farms shall *be measured for some of the Neighbours*, and as the Landdrost proposes soon to have the same surveyed, he requests you may be so good as to have some of your most intelligent people ready when they may be called to shew the line of Bethelsdorp (agreeably to the Diagram you possess) contiguous to the Farms of Mr. Marie, Lieut. Col. Cuyler, Doorn Kraal, Jacob Kok, John Berry and Showds now Newcombs. It will be notified to you at a future period the exact day when these lines will be requested to be shewn to the Surveyor.

(Signed) J. H. LANGE.

To Mr. Kitchingman.

[Enclosure 8 in the above.]

CAPE TOWN, *25th June* 1824.

MY LORD,—As a loyal and faithful subject of His Majesty's Government, I consider it my duty to inform Your Lordship of the disappointment I have experienced at the result of the application made to your Lordship for the grant of some additional Lands to Bethelsdorp and of the course which under present circumstances I consider it my duty to pursue.

On communicating to two Gentlemen in your Lordship's confidence my intention to transmit to your Lordship the unsuccessful Memorial I requested those Gentlemen to inform your Lordship that His Majesty's Commissioners were favourable to the enlargement of Bethelsdorp, and that I was for that reason certain that its prayer would be heard by His Majesty's Government at home, but that I wished your Lordship to have the honor of conferring the boon, that I might have it in my power to mention this instance of your Lordship's kindness to the Directors of the London Missionary Society, and to the World at large, as a proof of your Lordship's favourable regards to our African Mission. Had Colonel Cuyler been a wise man, he certainly would have embraced this opportunity of shewing a disposition to be friendly to the Institution and by this means have opened a way to a reconciliation, which might have been as favourable to himself as to Bethelsdorp, but this My Lord, I did not expect, and when I was informed that the matter was referred to Colonel Cuyler from the well known feelings of Colonel Cuyler towards the Institution which are not unknown to your Lordship, I believe I expressed my surprize and stated that had I known that that course was to have been adopted, I would not have troubled your Lordship with the business.

Bethelsdorp has been for many years, not only a school for industry, but an Asylum also for aged and infirm Individuals worn out in the service of the Government and the Boors.

It is a well authenticated fact, that the persons appointed by Government to fix upon a station for Dr. Vanderkemp and his Hottentots chose the present site of the Institution as the poorest and most wretched place they could find in the District, for the avowed purpose (these were their own words) of preventing the Hottentots from ever becoming independant and to keep them always in a state of dependance on the Boors.

The lands of this Institution, originally insufficient for the first Settlers located upon them have had no additions made to them by Government to meet the exigencies of a rapidly increasing population, and in presenting the Memorial in question, there are claims of another description which induced me to expect a different result to the present application.

Your Lordship is not ignorant of the improvement made upon the people of Bethelsdorp, the contrast they now exhibit

to what they once were, the obligations the Colony are under to that people from the Opgaaf they are in the habit of paying, the British Manufactures they consume, the saving they have been the means of creating to Government as it respects the contract for the carriage of Government Goods from Algoa Bay to Graham's Town and the valuable supplies they have furnished to the Cape Regiment and to the Caffre Commandos in spite of the sterility of the ground and the difficulties the people have had to overcome in all attempts to improve their condition.

With such facts in my possession, I should be guilty of dereliction of my duty, were I to allow the matter to rest, as it has now been decided. Under this impression I beg leave to request your Lordship to reconsider this matter, and grant the prayer of the Memorial. If this proposal meets the approbation of your Lordship I shall not consider my obligation to your Lordship less, that the affair has taken this course, but if your Lordship shall still determine to give away the lands prayed for in the Memorial, particularly the surplus lands adjoining the Institution, I beg your Lordship will give them away conditionally only, till there is time, to receive from England the decision of Lord Bathurst His Majesty's principal Secretary of State, upon the subject.

(Signed) JOHN PHILIP.

To Lord Charles Somerset.

[Enclosure 9 in the above.]

CAPE TOWN, *3rd July* 1824.

SIR,—We have the honor to acknowledge the receipt of your letter of this date enclosing for our information a copy of the letter that you addressed to His Excellency the Governor on the 25th June, and an original memorial to the address of Earl Bathurst respecting the claims of the Hottentots at Bethelsdorp to an extension of their lands, and the result of an application to the Governor upon the subject of them.

In returning to you our thanks for this communication we beg to explain that it would have afforded us much satisfaction to have complied with your request that we should be the medium of transmission to the Secretary of State of your

memorial on behalf of the Hottentots, but as we have long been in possession of special instructions from Earl Bathurst to report upon the memorial of the London Missionary Society respecting the complaints of their Missionaries in this Colony and especially of those at Bethelsdorp we conceived that it would be premature in us to bring any part of the subject under Lord Bathurst's consideration until we are prepared to state our opinions and the result of our enquiries into the merits of the complaints generally which are the subject of the memorial in question.

In returning therefore this memorial to you in compliance with your request, we beg to observe, that the course adopted by Mr. Kitchingman in previously addressing his memorial to this Government was in strict conformity to that, which it has been our practice to recommend in all cases of application for land, and which in this instance we believe to have been the result of our suggestion to Mr. Kitchingman. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

To Revd. Dr. Philip.

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